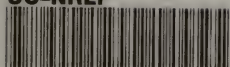


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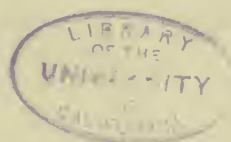


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THE CAPITOL OF WYOMING.

# THE GOVERNMENT OF WYOMING

The History, Constitution and  
Administration of Affairs

---

*There are no points of the compass  
on the chart of true patriotism.*

WINTHROP.

---

BY  
GRACE RAYMOND HEBARD

Librarian of the State University  
of Wyoming



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1904

GENERAL

*Copyright, 1904*  
*by*  
*Grace Raymond Hebard*

In Memory of  
an  
Ideal Citizen





## PREFACE.

The contents of Part II in this text-book are particularly recommended to the teachers and pupils who are preparing for an examination on the subject of the Government of Wyoming. The different parts of the book may be used as three separate text-books. While closely related they are not dependent one on the other. The interest taken at this time in the Louisiana Purchase and the Lewis and Clark Expedition warrants at least a passing notice on account of their relation to the early history of Wyoming. The Convention which formulated our Constitution is as important as the legislatures that enact our laws, hence, it should have its place. These facts and a brief mention of the explorers and the territorial days form Part I. The application of the laws and the operation of the governing boards should be familiar to all of those who desire to know what the governing principles are which regulate the State's machinery; these constitute Part III.

The author wishes to express an appreciation of the assistance received from those who have furnished data, suggestions and illustrations and to those also, who have read the manuscript and corrected proof.

The University of Wyoming,  
Laramie, May 13, 1904.



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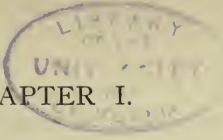
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PART I

THE HISTORY OF WYOMING





## CHAPTER I.

### WYOMING IN THE TERRITORIAL GROWTH OF THE UNITED STATES.

Wyoming occupies an unique position on the map of the United States. It is the only State that contains lands obtained from all four of our principal annexations which form the territory west of the Mississippi river. The land covered by the original thirteen States included all of the States east of the Mississippi river except Florida which was ceded to us by Spain in 1819. Alaska was purchased from Russia in 1867. All of the States and territories between the Mississippi and the Pacific Ocean were acquired under one minor and four principal titles:

The Louisiana Purchase, 1803.

The Oregon Country, 1792, 1805, 1811, 1819 and 1846.

Texas Annexation, 1845.

Mexican Cession, 1848.

Gadsden Purchase, 1853.

The first four of these contained lands that now make up the State of *Wyoming* and deserve special mention because they are a part of the early history of the State.

The Gadsden Purchase, also known as the second Mexican Cession, only embraces a small part of southern Arizona and New Mexico.

The Mexican territory constitutes all of California, Nevada, Utah and parts of Arizona, New Mexico, Colorado and *Wyoming*. (All of Sweetwater County, the southwestern part of Carbon and southern part of Uinta.)

The Texas Annexation includes all of the State of Texas and parts of New Mexico, Colorado, Kansas, Oklahoma and *Wyoming*. (Most of Carbon County and the southwestern part of Albany.)

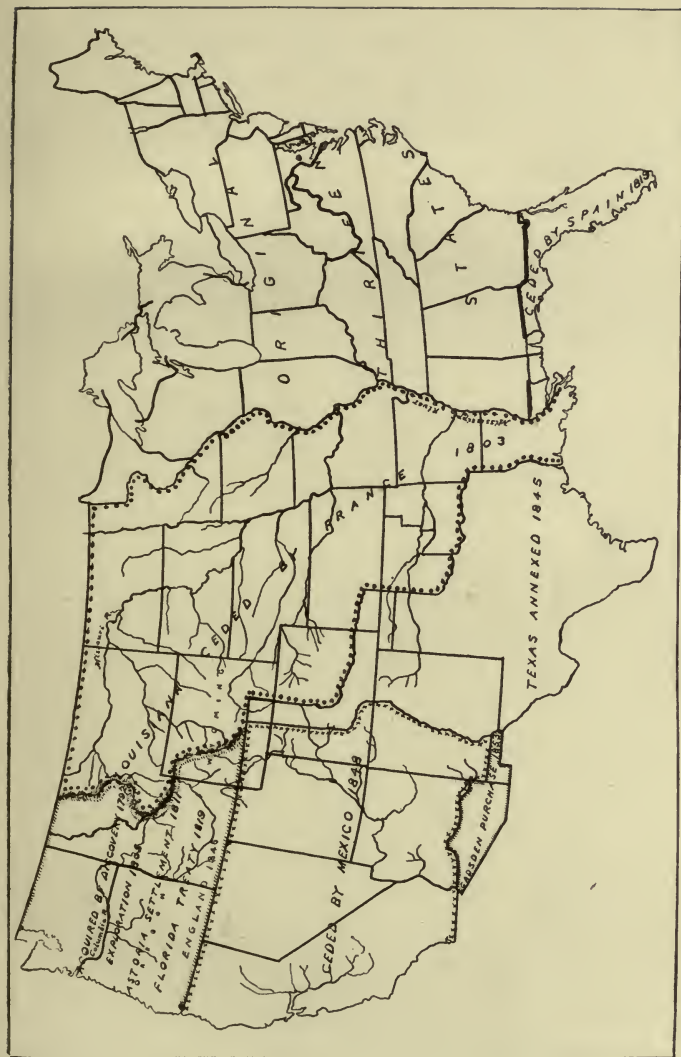
The Oregon Country which was acquired by discovery in 1792, by exploration in 1805, by the Astoria Settlement in 1811, by the Florida Treaty in 1819 and by acknowledged title by Great Britain in 1846, embraces all of Oregon, Washington, and Idaho and parts of Montana and *Wyoming*. (The northwestern part of Sweetwater County, the western part of Fremont, and the northern part of Uinta together with the southern part of the Yellowstone Park.)

The Louisiana Purchase from France comprises all of the vast territory in Louisiana, Arkansas, Missouri, Iowa, North and South Dakota, Nebraska, Kansas, Indian Territory, Oklahoma and parts of Minnesota, Kansas, Colorado, Montana and *Wyoming*. (All of Crook, Weston, Converse, Laramie, Sheridan, Johnson, Natrona, Big Horn and part of Albany, Carbon, Fremont and the Yellowstone Park.)

The lands included in these eight different stages of expansion constitute all the territory owned by the United States except Hawaii, which was acquired in 1898 and the Islands obtained in the late Spanish War.

A more detailed account of the manner in which our country was discovered and how we obtained title to the region west of the Mississippi will be found in the following tables. An effort has been made to trace step by step all the transactions made to give Wyoming a clear "abstract of title." All of the land in this unexplored West was comprised in the "Great American Desert" inhabited by tribes of unknown Indians and herds of wild buffalo. Title comes to a country by the right of discovery, or exploration, by conquest or war, by settlement or purchase or gift. Lands first discovered have no need of conquest. They belong to the discoverer by "right of discovery." If the land explored has been discovered before and is in doubtful possession title in the name of the country from where the explorers came is made by conquest. The title is better secured by a permanent settlement and a guarding of the possession





# **THE UNITED STATES.**

Wyoming a part of the Four Annexations to the United States.



against land seekers. When land is purchased it is presumed that the contracting nation has a perfect title to the land which passes to the purchaser. Lands within the boundaries of Wyoming have passed through all of these stages, having been discovered and explored by the early trappers, conquered from the Indians and purchased from France, Mexico and Texas. The titled interests of Wyoming in a measure begin with Columbus and end with the date of our Statehood, July 10, 1890, or from the period when the western hemisphere was discovered to that time when we took our place in the Union as one of the States with self-government and a separate Constitution.

## CHAPTER II.

### CHRONOLOGY OF EVENTS THAT LED TO THE OCCUPATION OF THE TERRITORY WEST OF THE MISSISSIPPI RIVER.

#### *SPANISH RULE.*

(The following tables trace the possessors of the land, by the different nations through their explorers and settlements, which is now included within the boundaries of Wyoming. Had the existence of this area been known and had there been settlers thereon they would have been under the rule of the following nations and their respective rulers. It must be remembered, however, that Wyoming was not even explored; that it was a vast unknown country, inhabited by savage tribes of Indians, their very existence then being unknown to civilization.)

**1479-1516.** Ferdinand I of Aragon.  
Isabella of Castile.

#### I.

#### THE NEW WORLD.

- 1492.** Columbus makes the first voyage, discovers Guanahani, Cuba and San Domingo. Takes possession of Guanahani in the name of the King and Queen of Spain.
- 1493.** Bull of Demarcation by Pope Alexander VI. on which Spain rested her claims to the New World.
- 1494.** Columbus explores the southern coast of Cuba and discovers Jamaica.
- 1498.** Columbus reaches the northeastern corner of South America and discovers the river Orinoco.
- 1502.** Columbus coasts along the eastern shores of Central America from Honduras to the Isthmus of Panama, still in the belief that what he had discovered belonged to the Asiatic mainland.
- 1513.** Vasco Nunez de Balboa discovers the Pacific ocean, called by him the Mar de Sur, or South Sea.
- 1520.** Fernando de Magalhaens penetrates from the Atlantic into the Pacific ocean. America known to be a Continent.

## II.

## DISCOVERY OF A NORTHERN CONTINENT. EXPLORATION OF THE INTERIOR.

*Ferdinand I.*

1513. Ponce de Leon discovers Florida by sailing around the southern edge and traveling along the western coast as far as Tampa Bay.

*Charles I.*

1517. Slavers reach the coast of Yucatan.  
1519. Pineda discovers the mouth of the Mississippi.  
1519-1521. Cortez conquers Mexico.

## III.

## EXPEDITIONS INTO THE INTERIOR OF MEXICO.

1528. Narvaez leads an expedition to the southern coast of the United States. Cabeza de Vaca tells the story of the "Seven Cities of Cibola."  
1539. Friar Marcos penetrates beyond the desert of the Pueblo region.  
1540-1542. Coronado's expedition reaches the boundary of Nebraska, through Colorado and the present New Mexico.

## SPANISH DISCOVERY OF THE NORTHWEST.

*(a) By the Coast Line.*

1533. The exploration of Southern California is started by Jimenez, who discovers the southern part of the California peninsula. These explorations are intermittently repeated with more or less success, especially after 1750. Finally  
1775. The expedition under Heceta reaches 49°, explores the shore and claims to have discovered Columbia River. Another craft of the same expedition reaches 58°. The coast from 42° — 55° is formally taken possession of for Spain.

*(b) Inland Route.*

- 1540-42. Expedition of Coronado, as already referred to, was not surpassed for more than 200 years.

The coast region, however, and parts of the interior of California, Colorado, New Mexico and the Northern portion of Texas were explored and to some extent settled.

- 1776.** The expedition of Escalante reaches Utah Lake above 40°. The whole coast region up to 37° is now occupied. Towns are founded, overland routes established. In 1773 the region of Upper California is parcelled out into government districts. No further advance by land until 1800.
- 

#### FRENCH DISCOVERY OF MISSISSIPPI REGION.

- 1519.** Beginning with the Spanish, Pineda discovers the mouth of the Mississippi.
- 1539-43.** De Soto's inland wanderings, contemporary with those of Cartier.
- 1541-42.** From not far from the mouth of the Arkansas, the Spaniards make a long tour to the West, return to Mississippi and reach the Gulf. De Soto's wanderings through the territory of Florida, Georgia, Alabama, Arkansas, Texas and Louisiana well established.
- 1670.** Hudson Bay Company is formed and posts are established in region adjoining the Bay. Also French Company formed and in ensuing contentions the forts change hands many times.
- 1673.** Joliet and Père Marquette cross over from Lake Michigan to Wisconsin River down to the Mississippi and to the mouth of the Arkansas and the northern limits of De Soto's wanderings. It is decided that the Mississippi flows into the Gulf and not into the Pacific.
- 1680.** Hennepin is sent by La Salle down the Illinois and from there up the Mississippi to 45° half way across the Continent from East to West.
- 1682.** La Salle descends Mississippi to the Gulf and erects a fort at the Mouth of the Ohio. Thus Mississippi valley is added to the domain of New France.



- 1685. La Salle comes with a colony from France and missing the mouth of the Mississippi is cast away on Texan shore, where a fort is built and formal possession is taken for France.
- 1699. Iberville and Bienville come and found permanent settlement in Louisiana. In the north French trappers range the country as far as and beyond the Upper Mississippi visited by Hennepin.
- 1712. Crozat is given exclusive commercial privileges in Louisiana.
- 1716. John Law's financial experiment.
- 1717. Crozat's monopoly fails.
- 1720. Bursting of the "Mississippi Bubble."
- 1727. The French explore to a point above the Kansas.
- 1731-43. Verendrye attempts to form a line of trading posts across the Continent.
- 1742. Upper Missouri River ascended to region above Yellowstone.
- 1743. The Verendryes reach base of the Rocky Mountains in what is now Montana.
- 1755. England and France at war over boundary. Seven Years' War results.
- 1762. Family compact between France and Spain.
- 1763. Transfer of territory after Seven Years' War gives Spain (from France) city of New Orleans and all territory between the Mississippi River and the Rocky Mountains. France does not own an inland acre of land in North America.
- 1800. Treaty of San Ildefonso transfers entire province of Louisiana back to France.
- 1803. Louisiana Purchase for \$15,000,000 includes all of Louisiana, Arkansas, Missouri, Iowa, North and South Dakota, Nebraska and parts of Montana, of Minnesota, Colorado, Kansas, *Wyoming*, Oklahoma and Indian Territory.

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## THE OREGON COUNTRY.

### AMERICAN DOMAIN.

- 1792. Columbia River discovered by United States explorer Robert Gray from Boston.

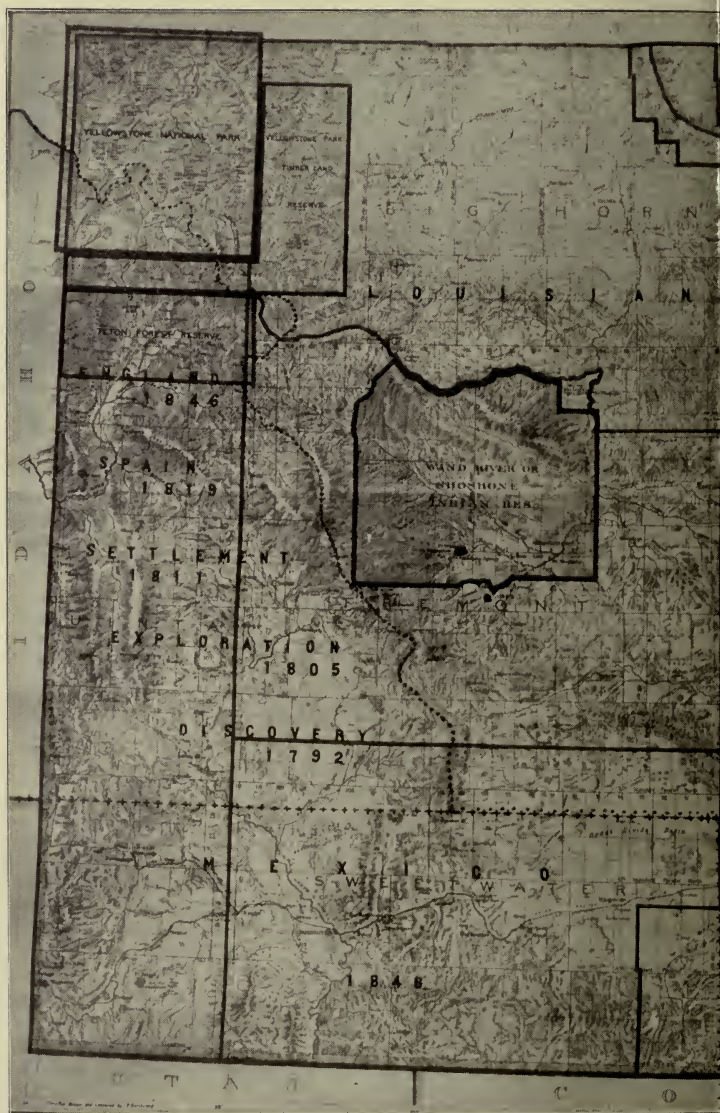
- 1805. Explorers Lewis and Clark travel up the Missouri to its source. Go down Columbia River to the Pacific Ocean.
- 1811. John Jacob Astor settlements on southern bank of Columbia River.
- 1819. By the Florida Treaty Spain cedes to the United States all claims she might have by earlier explorers to land embraced in Oregon, Idaho and parts of Montana and *Wyoming* and lays no claim north of  $42^{\circ}$  because of no definite historic evidence of actual explorations or settlements.
- 1818. Contract between England and the United States to reorganize this territory as neutral ground. United States and Britain both claim the land between California on the south to  $42^{\circ}$ , which was owned by Mexico, and Alaska on the north, which was owned by Russia, to  $54^{\circ} 40'$ .
- 1819. By terms of treaty United States claims land to  $54^{\circ} 40'$ .
- 1842. Boundary War agitation. "Fifty-four forty or Fight" cry.
- 1846. Compromise under President Tyler's administration agrees on  $49^{\circ}$  parallel as the north boundary of England. Had we forced our claim for  $54^{\circ} 40'$  we would have had complete mastery of the Pacific Ocean and the settlement in 1903 of the Canadian line would have been avoided.

## MEXICO.

- 1824. United States of Mexico organized into a republic, separating itself from Spain; President Victoria; contains besides Mexico all of California, Nevada, Utah and Texas, Arizona, and parts of New Mexico, Colorado and *Wyoming*.
- 1833. Trouble between the United States and Mexico over Texas, which Mexico refuses to sell.
- 1836. Texas severs its connection with Mexico.
- 1848. Treaty of Guadalupe-Hidalgo gives all of the territory north of Mexico to the United States. President Herrera in command. (Contains all the original Republic of 1824 now in the United







Boundary lines of the Louisiana Purchase, the Mexican Cess



ING.  
the Texas Annexation and Oregon Territory in Wyoming.



States except Texas, which at this time includes also part of New Mexico, Oklahoma, Kansas, Colorado and *Wyoming*.)

## TEXAS.

1836. Severs its connection with the Republic of Mexico and has a separate government; includes all of the present Texas, part of New Mexico, Oklahoma, Kansas, Colorado and *Wyoming*. "Lone Star" State has a series of governors from Burnett to Jones.
1845. Becomes a State of the United States with boundaries as in 1836.
- 

## GOVERNMENTS OVER WYOMING.

## MEXICAN SECESSION.

- 1519-1821. Spanish.
- 1821-1824. War of Independence.
- 1824-1848. Republic under different Presidents.
- 1848-1904. *United States*.

## TEXAS ANNEXATION.

- 1519-1821. Spanish.
- 1821-1836. Mexican.
- 1836-1845. Texas.
- 1845-1904. *United States*.

## OREGON COUNTRY.

- 1792-1904. *United States*.  
(No valid claim granted Spain.)

## LOUISIANA PURCHASE.

- 1519-1763. French.
- 1763-1800. Spanish.
- 1800-1803. French
- 1803-1904. *United States*.



## RULERS OVER WYOMING.

## SPAIN.

Ferdinand and Isabella: . . . . .	1479-1516.
Charles I: . . . . .	1516-1556.
Philip II: . . . . .	1556-1598.
Philip III: . . . . .	1598-1621.
Philip IV: . . . . .	1621-1665.
Charles II: . . . . .	1665-1700.
Philip V: . . . . .	1700-1746.
Ferdinand VI: . . . . .	1746-1759.
Charles III: . . . . .	1759-1788.
Charles IV: . . . . .	1788-1808.
Ferdinand VII: {	
Joseph Bonaparte: { . . . . .	1808-1813.
Ferdinand VII: . . . . .	1813-1833.

## FRANCE.

*The Valois Line.*

Francis I: . . . . .	1515-1547.
Henry II: . . . . .	1547-1559.
Francis II: . . . . .	1559-1560.
Charles IX: . . . . .	1560-1574.
Henry III: . . . . .	1574-1589.

*The Bourbon Line.*

Henry IV: . . . . .	1589-1610.
Louis XIII: . . . . .	1610-1643.
Louis XIV: . . . . .	1643-1715.
Louis XV: . . . . .	1715-1774.
Louis XVI: . . . . .	1774-1792.
The Republic . . . . .	1792-1799.
The Consulate . . . . .	1799-1804.

## CHAPTER III.

### THE MAKING OF WYOMING.

- 1803. Wyoming is included in the region of the Louisiana Purchase under the governorship of Claiborne. (*Wyoming.*)
- 1804. Territory of Orleans formed with Lewis as Governor, appointed by Jefferson, and all the rest of the Louisiana Purchase is called the Territory of Louisiana, having Clark for Governor. (*Wyoming.*)
- 1805. Aaron Burr and partner Blennerhassett unsuccessfully attempts to separate territory of Louisiana Purchase from the Union.
- 1812-14. England unsuccessfully attempts to take the Louisiana Purchase Territory and thus we saw the last hostile foreigners to encroach on our soil.
- 1812. State of Louisiana formed and all the Louisiana Territory is called Missouri Territory. (*Wyoming.*)
- 1813. Clark made Governor of Missouri Territory. (*Wyoming.*)
- 1854. Nebraska Territory formed from the northwestern part of Louisiana Territory. This includes the present boundaries of Nebraska, all of Montana east of the Rocky Mountains, North and South Dakota west of the Missouri River and all of *Wyoming* that was in the Louisiana Purchase and also that part of *Wyoming* included in the Texas Purchase.
- 1861. Dakota Territory formed from Minnesota and Nebraska Territory by taking from Nebraska the portion west of the Missouri River (now a part of North and South Dakota) and the part of Montana embraced in the Nebraska Territory. The Dakota Territory comprises all of *Wyoming* in the Louisiana Purchase north of the 43° line drawn through the middle of the east and west corners of Natrona and Fremont Counties. The southeastern part of *Wyoming* then belongs to Nebraska Territory.

1848. Oregon Territory formed and comprises all of Washington, Oregon, Idaho, the northwestern portion of Montana and all that part of *Wyoming* included in the 1819 Oregon country and the land ceded to the United States in the Treaty of 1846 with England.
1853. Washington Territory formed from a part of Oregon embracing a portion of Idaho and Montana, but not *Wyoming*.
1859. Oregon becomes a State and that portion of *Wyoming* which was included in the Oregon Territory since 1848 now becomes a part of the Washington Territory, which consists of all of the original Oregon country not embraced in the State of Oregon.
1863. Idaho becomes a Territory and is formed from Washington, Dakota and Nebraska. Idaho embraces all of its present boundaries, all of Montana and all of *Wyoming*, not only the portion contained in the Oregon Territory, but all of the country in *Wyoming* embraced in the Dakota and Nebraska Territories *except* the extreme southwestern corner which had belonged to Utah since 1850 and came to us by the Mexican Grant. This Mexican Grant originally ran to a line nearly corresponding to the western county line of Carbon County. When Idaho Territory was formed, however, this southwest area was reduced until its eastern line corresponded with the eastern boundary of Uinta County, 33° of longitude, and its northern boundary was the extended southern boundary of the present Idaho, 42nd parallel.
1868. This southwestern Mexico territory is taken from Utah when *Wyoming* becomes a Territory.
1850. Utah by the Guadalupe-Hidalgo treaty becomes a Territory from Mexico. As such it includes the southwest corner of *Wyoming*. This territory is again reduced by the creation of the Idaho Territory. Utah holds a small area until 1868, when *Wyoming* becomes a Territory.



- 1845-1850.** Texas owns a small portion of *Wyoming*, practically all of Carbon County and a small portion of the southwestern corner of Albany County.
- 1850.** Texas sells all the above portion of *Wyoming* with other lands to our Government for \$10,000,000.00.
- 1854.** This Texas land in *Wyoming* is again included in the Nebraska Treaty, which is formed out of the original Louisiana Territory or Missouri Territory.
- 1864.** When Montana Territory is created part of Idaho is temporarily restored to Dakota. This portion includes all of *Wyoming*, except Uinta County and the southern half of Yellowstone Park. *Wyoming* is now under the jurisdiction of Dakota, Idaho and Utah and so remains until the Territory is formed.
- 1868.** *Wyoming* admitted as a Territory, the extreme southwest corner of State, embracing about one-third of Uinta County, coming from Utah. The rest of the county is a part of Idaho and the remainder of the State is taken from Dakota.
- 1890.** *Wyoming* admitted as a State after having had territorial government, embracing land from the Gulf of Mexico to the Canadian line; from the western banks of the Mississippi to the Pacific Ocean and under rule of
- 1803,** Louisiana.  
**1812,** Missouri.  
**1845,** Texas.  
**1848,** Oregon.  
**1850,** Utah.  
**1854,** Nebraska.  
**1859,** Washington.  
**1861,** Dakota.  
**1863,** Idaho.  
**1864,** Dakota.  
**1868,** *Wyoming*.

All territorial governments, except Texas.

## STATE BOUNDARIES.

*Constitution of Wyoming, Section I, Article XI.*

The Boundaries of Wyoming shall be as follows :

Commencing at the intersection of the twenty-seventh meridian of longitude west of Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude and thence north to the place of beginning;

(The State boundaries are identical with those of the Territory admitted in 1868).

## CHAPTER IV.

### THE LOUISIANA PURCHASE.

In 1763 Spain, by virtue of the "Family Compact" of 1762, so known because the rulers of France and Spain agreed to defend their domains against the whole world, took possession of Louisiana which had been in the hands of France since the time of her earliest explorers. During 1795 we entered into something of an indefinite sort of a treaty with Spain to use the mouth of the Mississippi, the present New Orleans, as a deposit for our products coming from all along the Mississippi and which were to be exported. Spain possessed both banks of the river at its mouth and the western shores to its source, while United States only possessed the eastern banks and had no seaport. The river was a highway to the market, and New Orleans was a port for the output of the settlers. The denial of the free use of the highway was a real injury to the frontier people. There was but one desire of the American people and that was the right to navigate untrammelled the river from its source to its mouth, for there must be an outlet for the inland products. This treaty of 1795 was only a temporary arrangement and at its best most uncertain. Rumors of war, of a desire to take the mouth of the Mississippi by force, of the discontent as to a condition which hindered the growth and prosperity of all those who were dependent upon the navigation of the Mississippi to get their goods to the sea, caused the United States authorities at Washington much anxiety. Great care and diplomacy must be used to bring about the desired result, to meet the demands of the justly restless farmers and producers. These people were demanding for their allegiance to the United States protection from the United States. The Government had for some time realized the importance of having a seaport at the mouth to export the products in order that the result of the laborers in the Mississippi valley might be profitable.

France was dismayed at the privilege granted by Spain in 1795. Napoleon saw a possibility of regaining the lost New France. He had a desire to limit our western progress and confine our possessions to the Eastern shores of the Mississippi. Spain, however, did not have the power to bind us to the proposed boundaries and transferred all of Louisiana to France on October 1, 1800, by a secret treaty which gave back to France all of the Territory which she ceded to Spain in 1763. Vague rumors circulated as to this unknown real estate transfer making the Mississippi settlers restless and determined to fight. Our experience with France on the high seas had been of such a nature as to make this move far from reassuring.

During the John Adams administration an envoy was sent to France to adjust the difficulty. An interview with the French authorities would not be granted unless we paid a stipulated sum. This was refused when our envoy, Pinckney, made the famous remark, "Millions for defense but not one cent for tribute."

In 1802 Spain closed the mouth of the "father of waters" to our products and this virtually stopped the navigation of the river by the citizens of the United States. President Jefferson and the administration tried to plan ways and means by which the difficulty could be overcome and Jefferson asked Congress to appropriate \$2,000,000 to be given to France for New Orleans and West Florida which would carry with it our right to navigate the entire length of the Mississippi. Robert R. Livingston, one of the five to draft our Constitution, was at this time our Minister to France. James Monroe in the early spring of 1803 was sent to Paris as a special envoy to assist in the purchase of New Orleans.

Napoleon Bonaparte, First Consul of the Republic of France, had at this time involved all Europe in war. He was in desperate straits for money; he was in much urgent need of replenishing his depleted purse not only to carry on the wars already begun but to prepare for the threatened war

with England, France's old enemy, who had been watching Napoleon's unparalleled success with envious eyes. In any event he could hardly expect to hold Louisiana, a possession at so great a distance from the Mother Country. Barbé Marbois was not only the Minister of the Treasury of the Republic of France but was the confidential and trusted councilor of Napoleon and was selected by him as a plenipotentiary for this sale. These four statesmen, two of whom had taken part in our struggle for Independence and two of whom were decidedly conspicuous in the movements of the French Revolution, perfected an agreement by which all of Louisiana was to be added to the United States.

We only asked for New Orleans and the mouth of the Mississippi. The surprise came when Napoleon said: "I renounce Louisiana. It is not only New Orleans that I will cede. It is the whole country without reserve."

The price was \$15,000,000 and the Treaty was signed April 30, 1803. This was ratified by Congress November 3, 1803, and the purchase made December 17, 1803, when Livingston remarked, "We have lived long but this is the noblest work of our lives."

In round numbers we obtained 1,037,735 square miles, or about 664,150,000 acres, at two and one-fifth cents an acre. For a sum less than the amount which has been appropriated to properly celebrate the hundredth anniversary of this event at St. Louis,\* a territory was added to the United States which now comprises twelve of our States and two of our Territories, and which moreover occupies one third of the area of the United States and contains one fifth of the people of America. The purchase gave us the control of the Mississippi and its tributaries, and it gave us a commercial highway. It more properly might be called the acquisition of both the Mississippi and the Missouri rivers, as it includes the entire length of the Missouri to its head waters

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\*The Exposition at St. Louis to celebrate this purchase cost \$50,000,000.00—more than three times the purchase price.



in the Rocky Mountains. To emphasize the value of this tremendous acquisition of land it is worth while stating that at the present time the wool products alone of the States made out of the Louisiana Purchase would pay the purchase price. The corn in Iowa would pay the price six times over. The wheat fields in this territory are greater than half of all those in our land and their products would buy Louisiana a hundred times.

Technically France did not occupy Louisiana at the time of the purchase. The transfer from Spain by the Treaty of October 1, 1800, called the St. Ildefonso treaty, had never been made. France did not occupy the province she had sold. The formality of surrender and delivery from Spain to France had to be accomplished before France could dispose of the land to the United States.

November 30, 1803, with proper ceremonies the yellow and red flag of Spain was lowered at New Orleans and the keys of the Island turned over to the French Representative who in the name of France raised the tri-colors of that country. December 20, 1803, the tri-colors descended as had the Spanish colors twenty days before and the Stars and Stripes ascended and the reign of France on American soil came to an end. Within the space of three weeks Spain, France and the United States each had owned Louisiana, a stretch of land embracing the territory covered by Arkansas, Iowa, Nebraska, North and South Dakota, Minnesota and Indian Territory; parts of Colorado, Kansas, Louisiana, Montana, Minnesota and Wyoming and the Territory of Oklahoma containing today a taxable wealth of \$6,616,642,829, an area larger than the combined area of Great Britain, Germany, France, Spain, Portugal and Italy and equal to two thirds of the territory covered by the original thirteen States. It has been said this act was by far the greatest work of our people during the years intervening between the adoption of the Constitution and the outbreak of the Civil War.

## CHAPTER V.

### EXPLORERS.

Several years before the appropriation was made by Congress for this purchase of New Orleans, Jefferson, while Secretary of State in 1792, had in mind the sending of an exploring party to navigate the Missouri River to its source. He had a desire to extend the commercial relation with the Indian and to obtain some of the benefits of the region which was monopolized by traders from Canada and British America. He and his private secretary, Meriweather Lewis, had talked the matter over before the Louisiana Purchase and when he became President he strongly recommended in his message to Congress in January, 1803, that an expedition be sent into the unknown Northwest. Congress supported him and his instructions were drafted and plans formulated for the trip June 20, 1803, which was some days before the Paris Treaty reached Washington, (July 14, 1803). Lewis was appointed by Jefferson to lead the party and he in turn chose Captain William Clark to be his associate. The entire party consisted of the two leaders, whose names have been historically inseparable, and forty-four assistants. They started from a point near New Orleans May 14, 1804, and returned to St. Louis September, 1806, having broken a path for civilization which is unparalleled in the history of modern or ancient times. On the route they encountered trappers from the south and the Hudson Bay Company men from the north and Indians over a good part of the journey. Then a time came when even these were not seen and for months they explored north and west towards the Rocky Mountains, where the native animals were their only enemies. The leaders were fortunate in securing the services of an Indian squaw, Sacajawea, of the Shoshone tribe who had been captured when a child and was now the wife of a worthless French trapper.

She acted as their guide. It is questionable if without her aid and knowledge of the country the expedition could have been successful. While this expedition at no time traveled over any of the country now occupied by Wyoming, the explorers came within forty miles of the northwest corner of the state and heard of the wonders of the Yellowstone Park. The line traveled was up the Mississippi to St. Louis, across the middle of the present state of Missouri, north on the Missouri to Sioux City, Iowa, west and north on the northern boundaries of Nebraska, north through the middle of South Dakota, north to Bismark, North Dakota, and then northwest still following the Missouri river into Montana, going south from Fort Benton in the northwestern part of Montana to within fifty-six miles of the northwest corner of Wyoming, thence south and west where they crossed the Rocky Mountains at a point between Montana and Idaho now known as the Lewis and Clarke Pass,\* then directly north to Fort Missouri, crossing the Bitter Root Mountains and west to Lewiston on the boundary between Idaho and Washington, down Snake River to where it joins the Columbia river and on down the river to the Pacific Ocean, having crossed the continent and reached the end of their western exploration, which gave to us (November 15, 1805) the territory now covered by Oregon, Washington, Idaho, and a part of Wyoming. Here they stayed until the next spring. The return home was over practically the same country to Fort Missoula in Montana between Bitter Root and the Rocky Mountains, when Clark went south to Clarke's Pass and through the Rocky Mountains, at a point just east of Bitter Root Forest Reserve. This point is about sixty miles north of the place in the mountains where they crossed when going west. From here the route was north and east to Bozeman about forty-eight miles

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\*The family name appears as Clark, but the places named for the explorer are spelled Clarke.



north of the northern boundary of Wyoming. Clark found the Yellowstone river at a point near Livingston (named after Robert Livingston) and following this east and north struck the Missouri river near Fort Buford at which place Lewis joined him. From Fort Missoula, where Clark went south, Lewis went north and east and crossed the Rocky Mountains about one hundred and forty miles north of the Lewis and Clarke Pass and eighty miles north of Clarke's Pass, then on to the Missouri river to Fort Buford just east of the Montana line where Clark joined him and together they returned to St. Louis having been gone two years and four months.\*

On Lewis' return President Jefferson made him Governor of Louisiana, and in 1813, when the Missouri Territory was created out of that portion of the Louisiana Purchase not included in the State of Louisiana, Clark was made territorial Governor of that wonderful northwestern country in which was situated all the land now embraced in the State of Wyoming. Lewis and Clark opened a new country and blazed a path for Western progress. In the northwestern part of the State of Wyoming we have a lake named for Lewis and a town and stream named for Clark. From this time on we have more or less authentic information as to the settlers and traders in Wyoming. There are many unsubstantiated reports of the expeditions made into Wyoming across our southern boundary line by early Spaniards. We have discovered no written records of these explorations although many stone and iron implements have been found in the various counties. This indicates beyond a possible doubt that Wyoming was visited by daring adventurers be-

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\*Jefferson instructed Lewis and Clark to observe carefully the country over which they passed and to collect all specimens possible of a botanical and zoological nature and to keep a journal or diary and to make maps of the expedition as they traveled. These instructions were carefully executed and most of the original records are now in the possession of the American Philosophical Society of Philadelphia. In 1903 it was found that a Mrs. Clark Voorhis of New York had received as an inheritance from her father, who was the son of the explorer Clark, a portion of this manuscript.

Some of the collections made on the journey are still preserved.

fore the time of Lewis and Clark. Who they were, how they came, and when they left is a problem which may never be solved. Our first authentic information as to the early explorers commences with the French Canadian, De la Verendrye, who explored in Wyoming as early as 1843 entering the State from Montana, coming down the Shoshone River and southwest into Fremont county.

During the year of the Lewis and Clark expedition Zebulon Pike explored into the northern part of Missouri as far south as Mexico and into Colorado discovering the famous Pike's Peak, bearing his name. John Colter was with Lewis and Clark and left the party on its return at Fort Mandan and in the fall and winter of 1806 trapped in Wyoming on the streams of the Big Horn and Stinking Water (now called Shoshone river by act of Wyoming legislature of 1901). He crossed the Big Horn country into Fremont, then west into Uinta and out of the State. He crossed Teton Pass and then back into Wyoming, up Lewis river into the Yellowstone Park and back to the point where he entered the State. He carried to Clark wonderful tales, which were not believed, of the marvellous Yellowstone which he found in 1807. Colter is not only the discoverer of the Yellowstone, but the first American to enter Wyoming. Mr. Coutant in his History of Wyoming says there had been other white men before Colter but they were not Americans.

John Jacob Astor organized a company known as the Pacific Fur Company and placed at its head Wilson P. Hunt to conduct an expedition into the Rocky Mountains. In August, 1811, they entered the northeastern part of the State in Crook county, traversed the county from northeast to southwest and to a point as far west as Buffalo in Johnson county from which they traveled further west and south by crossing the Big Horn Mountains, going up the Big Horn river, then to the Wind river, through what is now the

Wind river or Shoshone Indian Reservation, through Sherman Pass, sighted the three snowy peaks of the Grand Teton Mountains, down Hobach river along Snake river and thus crossed the State. From here Hunt and his party pushed west to the mouth of the Columbia river and in 1812 reached Fort Astor which was built in March, 1811, as a trading post on the Pacific Ocean. Thus they opened a way before used by no white man for our great American fur trade. The Astor expedition added to our claim by right of settlement to all of the Oregon territory, which the English did not acknowledge to be ours until 1846.

One of the Astor men, Robert Stuart, on his return from the Pacific Coast to New York, in the summer and fall of 1812, discovered South Pass, a gap in the Rocky Mountains located in Fremont county, also the Sweetwater River. He definitely located the source of North Platte river in the southern part of Fremont county, being the first to find a stream whose water flowed toward the Mississippi river.

During December of this year he and his party traveled along the North Platte to Nebraska and thus was the path found for the Overland Trail through Wyoming over which thousands upon thousands of explorers and settlers have traveled on their way to the Pacific Ocean or to the States west of Wyoming.

Lewis, Clark, Colter, Hunt, Stuart are all identified with the early history of Wyoming. During the year 1822 William Ashley of St. Louis trapped extensively in Wyoming on the streams in Big Horn county and in 1823 again returned to Wyoming by the way of the North Platte river and named the Sweetwater and Green rivers.

James Bridger, who built Fort Bridger in Uinta county, and discovered Bridger Pass, was of this party. Many people in our state know Mr. Bridger, who died in 1881. He was born in Virginia in 1804 and came to Wyoming in 1822. Ashley sold all of his interests in Wyoming in 1824 at the

time when we were Missouri Territory and had not yet become a part of Nebraska. Through his influence numerous fur trappers and traders had been through our state to its borders. The history of their lives is the History of Wyoming. Mr. Coutant has made many interesting chapters in his History of Wyoming on this subject. In 1828 William Sublette discovered Jackson Lake south of the Yellowstone Park and named it Jackson Hole after his friend David Jackson who was exploring at that time with him. Captain Bonneville, whom Washington Irving has aptly described, came to Wyoming in 1832 and was interested in the fur trade. Bonneville was an officer in the regular army and had instructions to observe the traits, customs and modes of living of the Indians. Similar instructions were given by the Government to Lewis and Clark when they explored in 1804-06. Captain Bonneville wandered up the North Platte, the Green river, the Little Wind river, saw the Hot Springs of Fort Washakie in Fremont county, climbed Mt. Bonneville in the Wind River Range and finally left Wyoming by the way of the Snake river on his way to Fort Astor. He returned through Wyoming by way of Bear river, Ham's Fork, Green river, Sweetwater and the Platte to Nebraska.

Kit Carson, the noted marksman, hunted in Wyoming in 1830 and with him the historic character, Jim Baker. In 1835 Samuel Parker and Marcus Whitman passed over the State by the way of the Platte, Laramie and Sweetwater rivers. They stopped at Independence Rock (on whose sides one may read to-day the names of hundreds of pilgrims who were on their western march) went through South Pass, along Green river and out of the State to Walla Walla, Washington.

In 1836 they returned to Wyoming again from the east with their brides and on July 4, at South Pass, in the name of the country took possession of the land which is now Wyoming. From here they pushed on to Walla Walla.



Whitman's noted interest in the organization of Oregon which at one time embraced a part of Wyoming, makes his life and history worthy of more careful study. It was he who recommended to the Government the establishment of forts along some of our streams and through his influence Fort Laramie and Fort Bridger were purchased which were then trading posts.

Father Peter De Smet traveled through and about Wyoming in the early forties, fifties, sixties and seventies. \* Fremont explored in Wyoming during 1842. He visited Fort Laramie, and here he addressed the Indians, crossed the State in August, discovered Fremont's Peak near the western line of the county bearing his name. He established the necessity of some direct overland communication between the Atlantic and Pacific. In 1843 he again toured over this country and has left valuable records of his explorations.

Mr. Coutant in his History gives the following table of our early settlers covering a period of one hundred years:

Verendrye .....	1743
Colter .....	1807
Hunt .....	1811
Stuart .....	1812
Bonneville .....	1832
Fremont .....	1842
Fremont .....	1843

## CHAPTER VI.

### THE TERRITORY OF WYOMING.

These explorers encountered many difficulties and endured many hardships. The Indians were not always friendly; there were many depredations and food was often scarce. Advanced civilization never is able to pay its debt to the explorer, the frontiersman and the pioneer, all of whom have made present conditions possible. For the protection of these pathfinders and earlier settlers the government established forts and military posts. The earliest of these is Fort Laramie on the North Platte river not far from the Nebraska line. This post was named after Jacques La Ramie, a French Canadian trapper, as was Laramie Peak, Laramie county, Laramie, Laramie river and Laramie Plains. His record dates as far back as 1820. At this place we have the first settlement in the State. This fort was a trading post and the fur business of the State for years centered around this locality. The fort was first built in 1834 and passed afterwards into the hands of the American Fur Company who rebuilt it in 1836 of adobes or sun-dried bricks. The Government in 1849 purchased the fortress as one of a series of forts along the Overland Trail, which were located to protect the settlers but more particularly to guard the lives of the immigrants seeking western homes. For this same reason Fort Fetterman was established near Douglas and Fort Casper. By this overland route through Wyoming thousands of immigrants went to Oregon, the "Forty-niners" to the gold fields of California and the Mormons to Utah. The Mormons took the Overland Trail through South Pass and from there went south into Sweetwater county, reached Fort Bridger in Uinta county and thence west into their land of promise. This Overland Trail was changed in 1812 entering Wyoming on the south near Virginia Dale, went across the Laramie Plains west to

a point south of Rawlins, Rock Springs, Granger, Fort Bridger, Evanston (called Bear River Station) out of the State. The trail made by the stages can yet be traced when traveling over our prairies.

Freighting over this great Overland highway became quite extensive in 1856 through the protective measures which the Government had established in the military posts. This was followed by the Pony Express and a regularly established stage route. It took twenty days to make the journey from St. Joseph, Missouri, to Salt Lake City, Utah. These posts were used as stopping stations when changes of horses were made and necessary repairs. A telegraph line from Omaha to California going through Wyoming over the Overland Trail was completed in 1861 and we were thus put into close touch with the outside world. The years 1865, '66, '67 were filled with bloody Indian wars and thrilling massacres.

The Union Pacific Railroad Company commenced to cross the State in 1867 and rapidly pushed west over the southern area. By an act of Congress for twenty miles on each side of the railroad the odd numbered sections became the property of the Union Pacific. There are no navigable rivers in Wyoming giving us natural transportation facilities and in this matter we are entirely dependent upon railroads. With the coming of this sign of civilization we needed a fixed form of government and we needed our public lands surveyed and we needed different tribunals than the Vigilance Committees. The people asked Congress in 1868 to admit Wyoming as a Territory. It was proposed to call our State the Territory of Lincoln and also the Territory of Cheyenne. July 25, 1868, President Johnson signed his name to a bill which made this the Territory of Wyoming. This name was suggested by the people of Wyoming, having been previously advocated by Fremont. The word Wyoming, which means the "large plains," comes from the Delaware Indian name Maughwauwama.

The people living in our State thought a territorial government would better the lawless condition then in existence. They agitated the question among themselves and sent Dr. Herman Latham to Washington to represent them in the matter. He presented a petition to Congress asking for a territorial organization to be called Wyoming, setting forth the facts and reasons which made this action both advisable and necessary.

Many supporters were found for the measure and a bill was introduced in Congress February 13, 1868, to create a new territory. This bill was not passed until July 25, 1868.

The Territory of Wyoming was formed and we thus took our first step towards Statehood.

Territorial officers were not given us until April 7, 1869. Nominations for appointment were made by President Johnson but the Senate did not confirm them. Soon after Grant's inauguration, however, the new appointments were made and promptly confirmed by the Senate.

The Territory was organized May 19, 1869, and the first election was held September 2, 1869, when our first legislature was elected and our delegate to Congress. The authority to send a delegate to represent Wyoming was the opening wedge for full representation in the Senate and House of Representatives twenty-one years after when in 1890 we became a State.

The boundary lines for the territory were the same as those adapted when we became a state. The area embraced within our borders is as great as New York, Pennsylvania and New Jersey combined. The area is one and one-half times as large as all of New England.

The development of the Territory was necessarily slow. The Union Pacific in the early territorial days did not assist in the development of the country along its line as had been expected. Its chief purpose was to carry traffic to the







**DICK WASHAKIE.**  
(Son of Chief Washakie.)  
Arapahoe Indian.

**FRANK MENICHE.**  
(Jack Rabbit.)  
Shoshone Indian.

Pacific Coast. There was little thought of permanent homes and their existence in Wyoming was only temporary. Cheyenne had but one house on July 5, 1867; all living places were confined to tents and shanties. It was the terminus of the Union Pacific Railway for the winter and a large floating population moved west with the railroad. In 1868 Laramie had its first building. From here this mixed population, consisting of a very undesirable class of people, moved further west with the progressing railroad and finally out of the State.

The Indian question was a constant hindrance and drawback to the settlement of the territory. The "redman" waged continual war against the settlers and yielded to advanced civilization very stubbornly. Fort Phil Kearney was established on July 15, 1866, in Johnson county, just south of the boundary of Sheridan county. The Indians did not want an encroachment in that part of the country and in December of that year killed eighty-one people connected with this locality. The fort was abandoned in 1868.

Wyoming was a center for hunting buffalo and animals valuable for their furs. A treaty made at Fort Bridger with the Government in 1868 contained terms by which the Shoshone and Bannock Indians were given a tract of land called the Wind River Reservation situated in Fremont county covering an area of 1,520,000 acres and occupying one of the most fertile spots in the State. The Bannocks did not stay long on the territory and in 1872 the Arapahoes were transferred from the Red Cloud Sioux Reservation to the Reservation in this State and the two tribes though originally not friendly have lived on this same tract since that time. This tract was for a long time the great annual hunting ground for the Sioux, Cheyennes, Arapahoes and the Crows. This land was closed against the actual settler. The Indians, while keeping the prospectors and settlers from their special locality came down to the southern part of the State steal-

ing cattle and killing the white men. Governor Thayer as late as 1875 in his message to the Fourth Territorial Assembly urged that the Indians be compelled to stay on their reservation and that the tribal relations be dissolved.

The treaty signed at Fort Bridger in 1868 was contracted by a Commissioner on the part of the United States on the one hand and Washakie and other chiefs for the Eastern band of the Shoshone Indians and Tag-gee for the Bannock tribe on the other. The treaty contained a pledge of peace, an agreement by the Government to keep white man from the reservation and if he destroyed the peace he was to be punished; if the Indians committed the depredation the chiefs pledged to have them arrested and tried before the law. The Government agreed to erect a series of buildings on the reservation and to give the Indians a physician, carpenter, miller, engineer, farmer, blacksmith and teacher. The Government appointed an agent who lived on the reservation and directed and supervised the affairs and heard all cases brought against the Indians for depredations. The Indians agreed to make the reservation their permanent homes but reserved the right to hunt on unoccupied lands of the United States. Each head of a family was granted the privilege of selecting land not to exceed 320 acres to be held in his name for the exclusive possession of his family as long as he continued to cultivate the tract. The Government required the Indians to compel their children between the ages of six and sixteen years to attend school and for every thirty children a Government teacher was provided. They were to be clothed by the Government and seed and agricultural implements were provided and in addition to this money was granted to each one of the tribe for a period of thirty years. Every roaming Indian was to receive \$10.00; \$20.00 were granted to the agricultural Indian.

The Government did not give them the money knowing their ignorance of its value, and the impositions practiced on

them through this ignorance. In lieu of the money this amount was spent by the Secretary of the Interior for articles for the Indians as necessity demanded. The Shoshones claimed to have occupied their present territory of the Wind River Reservation on the land in the region between the Snake and Big Horn rivers since 1781, when they finally conquered the Crow Indians. This was a decade before we made any claim to the land within the State. Our earliest title dates with the discovery of the mouth of the Columbia river in 1792 by Gray. The Shoshone chiefs ruling Wyoming were contemporaneous with Washington of the United States, Charles III of Spain, Louis XVI of France and George III of England.

These Shoshone Indians were governed by the same chief, Washakie, for over seventy years. He was the chief before the Treaty of 1868 and remained continuously in the position to his death on February 22, 1900. He was considered the most intelligent Indian chief in North America. The long continued peace which this tribe maintained can be attributed to Washakie's skill, firmness and integrity. He never broke a treaty and General Crook spoke in highest terms of his work in the expedition against the Sioux when he lost a favorite son in the contest. He was the last chief of his tribe. The Arapahoes also have no chief for the reason that the Government now requires each tribe to elect a council of six to represent them in all matters.

The Indian is amenable to the white man's laws for acts committed when off the reservation. For certain misdemeanors and crimes against themselves they are tried before a court composed of their own people. The United States courts have jurisdiction of all felonies committed by them against the laws of the United States and their cases are tried in the United States District Court, where they are sentenced and punished in accordance with the United States laws. The reservation is not a legal part of this



State. Formerly the Indians used to trade land with whomsoever they pleased. Since 1789 no one except the United States has a legal right to deal with them. Their lands do not belong to the Indian individual but to the entire tribe. The tribe and the Federal Government make the land transfers. These acts were commonly called treaties, now they are known as contracts. President Johnson instituted this reservation idea as a protection of the Indians. Previous to 1830 there was a north and south line drawn, east of which the Indian could not locate, west of which the white man could not settle, until gradually the Indians were pushed further and further west. This forced some action on the part of the government which was to allot to them certain definite localities.

The Sioux surrendered to General Crook in 1877 and 1878 which stopped the depredations and brought peace to Wyoming. Property and life being more secure, wealth and population increased and there was a commencement of prosperity.

The first Governor of Wyoming was John A. Campbell who was appointed by President Grant. He also filled the office of Superintendent of Indian Affairs. As Governor he organized the Territory, which was put in operation May 10, 1869, and called the first election for Delegate to Congress\* and for members of the Territorial Legislature. This election was held September 2, 1869, and the Legislature met in Cheyenne, October 12, of that year. He held the office as Governor until January, 1875, having been appointed for a second term.

At the first Legislative Assembly on December 10, 1869, Woman Suffrage was inaugurated and the women of Wyoming were granted this right by the following section:

Section 1.—Every woman of the age of twenty-one years residing in this territory, may, at any election to

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\* Hon. Stephen F. Nuckolls.

be holden under the laws thereof, cast her vote. And her rights of the election franchise and to hold office shall be the same under the election laws of the Territory as those of electors.

The section in the State Constitution on this subject reads:

(Section 1, Article VI.)

The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy equally all civil, political and religious rights and privileges.

Mrs. Esther Morris was the pioneer worker for Woman Suffrage in this State. She herself held the position of Justice of the Peace. Women in the State at the present time hold that office. During the first years of Territorial government women served on the jury. Five women served on the Grand Jury in Laramie in March, 1870, and seven on the Petit Jury. This is the first common law jury where woman ever acted in the capacity as juror. This was under the administration of Chief Judge Howe and this Grand Jury had brought before it bills for consideration of murder cases, cattle stealing and illegal branding. Women served for three consecutive terms of court under Judge Howe when it was decided under the law that women had no right to serve as jurors. Most of the County Superintendents of Public Schools in the State are women. One woman\* has been State Superintendent of Public Instruction since Statehood and a number of women have served as trustees of the State University.

No attempt after the second territorial legislature has ever been made to repeal the law granting woman this right of franchise. When the subject came up for discussion at the time of the adoption of the State Constitution, the Constitu-

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\* Miss Estelle Reel, now Superintendent of Indian School Service.

tional Convention was practically unanimous for a continuation of woman suffrage.

The territory commenced with four counties, Laramie, Albany, Carbon and Carter, (afterwards Sweetwater) and all extended from the southern to the northern boundaries of the State. The seat of government of each of the four counties was along the line of the Union Pacific. They were created under the territorial jurisdiction of Dakota and were in existence when Wyoming Territory was organized. In 1867 there were only two counties, Laramie and Carter. Laramie embraced all of the eastern half of the state and Sweetwater, or Carter, extended west to the present eastern boundary of Uinta county and went from the northern to the southern boundaries of the state. Uinta county was not formed but was then a part of Idaho and Utah. There are now thirteen counties in the State organized as follows :

Counties. Original boundaries defined by Act  
of Wyoming Legislature.\*

Albany .....	1869
Big Horn .....	1890
(Authorized), 1896 (Organized.)	
Carbon .....	1870
Converse .....	1888
Crook .....	1875
Fremont .....	1884
Johnson .....	1875
(Authorized as Pease county), 1879 (Organized as Johnson.)	
Laramie .....	1869

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\*Derivation of County names.

Albany named by a resident of Albany, N. Y., who served in the Dakota Legislature.

Big Horn, for the Big Horn or Rocky Mountain Sheep living in that locality.

Carbon, because of the coal found in the county.

Converse, for A. R. Converse a stockman of Cheyenne.

Crook, for General George Crook the Indian Scout.

Fremont, for General C. Fremont the explorer.

Johnson, for E. P. Johnson an Attorney-at-Law of Cheyenne.

Laramie, for Jacques La Ramie the French-Canadian trapper



*Natrona .....	1888
Sheridan .....	1888
Sweetwater .....	1869
Uinta .....	1869
Weston .....	1890

During the territorial days stock raising was the greatest industry of Wyoming. The years of 1880 to 1882 were years of wonderful prosperity for the stock interests. Many settlers came to our State during these years and took up government land making their homes along our streams, and fencing in their possessions. The large tracts of land formerly controlled but not owned by the "Cattle King" became greatly reduced and with this limited domain and the worthlessness of land without direct communication to water the stock interests declined, although to-day it is the leading industry of the State.

The population of Wyoming in 1870 was 9,118, in 1880 it was more than double reaching 20,798, in 1890 at the time of Statehood it had gained to 60,705 while in 1900 it had reached 92,531. Of this number 75,116 were native born and 17,415 were of foreign birth; 58,184 were males, 34,347 females, 89,051 were white, 940 negroes, 461 Chinese, 393 Japanese and 1,686 Indians.

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\*Natrona, from the deposits of Natron or Soda.

Sheridan, for General Phil Sheridan.

Sweetwater, for the taste of the water in the stream bearing this name.

Uinta, for the Uintah Indians.

Weston, for Dr. Weston who was instrumental in bringing a railroad into that section.

## CHAPTER VII.

### FROM TERRITORY TO STATE.

The inhabitants of Wyoming were anxious to pass from a territorial form of government to that of self-government. While a territory we did not have a voice in the selection of our chief executive officers. The Governor, Secretary of State, Chief Justice and the two Associate Justices, Attorney and Marshal, were all appointed by the President of the United States and the appointments had to be confirmed by the Senate. These officers were not residents of the territory and came to us as strangers with little or no knowledge of the immediate needs of the people and when their term of office, four years, expired, generally returned to their native States, to have their place again taken by others who knew not the necessities and problems confronting our citizens. These officers, though worthy and able men, were not representatives of the interests of the territory. We wished a government "for the people, by the people, of the people." These same "people" felt that their highest interests would be best secured by "home rule," would be more speedily established, if men who had cast their fortunes with Wyoming and had faith in her future were at the helm.

These "people" were willing to assume this important responsibility and take the affairs of State into their own hands. Another reason for the desired change was that we had no voice in the making of the laws in Congress. We sent a Territorial Delegate to Congress who was granted a seat in the House of Representatives but was not permitted to vote on any measure. We were obliged to obey the laws made by the General Government and demanded a voice in the formulation of them. We had no voice in the election of our Chief Magistrate who sent officers to govern and rule over us. We were under the supervision of Congress, which at its will could annul any of our legislative acts and

there was no redress. Our alien Governors, if not in harmony with the people of the Territory, could veto any proposed legislative measure of vital interest to the progress of the State. We believed that laws should be enacted by those only over whom they were to be put in force. We had no United States Senator, no Representative in Congress, and the cry of Revolutionary day "Taxation without Representation" was raised. We desired equality with our adjoining States by admission into the Union, and above all, we sought local self-government. We had reached our majority after serving an apprenticeship of twenty-one years with territorial government and petitioned to be free citizens, members of a nation, where before they had only been *in* a nation.

The citizens believing development and growth synonymous with a change elected members to the Tenth Legislative Assembly, with the understanding that it would be expressing the voice of the people at the polls if at the next session the first active steps were taken toward Statehood.

This legislature met in January, 1888, and in the form of a joint resolution from the Territorial Senate and the House of Representatives memorialized Congress on the "State of Wyoming." The resolution set forth the resources of the Territory, the valuation of our industries, the condition of our educational advantages, the population, and asked for legislation by Congress to enable the people of the Territory to form a Constitution and State government, and also for the admission of such State into the Union.

The Memorial was sent to Congress through our Delegate,\* who had a bill introduced in the Fiftieth Congress which provided for a Constitutional Convention. This is known as Senate Bill No. 2445, which was reported favorably to the Senate of the United States February 27, 1889. In accordance with the provision of this bill, a majority of the counties through their County Commissioners, petitioned

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\*Hon. Joseph M. Carey

our Governor to apportion the number of delegates to attend a Constitutional Convention and to execute all such other acts as were necessary for convening the Convention in accordance with the regulations contained in the Senate Bill. The Governor, Secretary of State and Chief Justice divided the Territory into delegate districts. They apportioned the number of delegates among several districts in proportion to the population in each said district upon a basis of the votes cast for Delegate to Congress on November 6, 1888. Each of the counties of the Territory was made a delegate district, and fifty-five delegates were apportioned. The Governor on June 3, 1889, issued a proclamation setting the second Monday in July, 1889, as a day for electing delegates to a Constitutional Convention, to be held in Cheyenne the first Monday in September, 1889. The proclamation commenced as follows :

“Whereas the Territory of Wyoming has the population, material resources, public intelligence, and morality necessary to insure a stable local government,”—

Following this general statement the executive stated that he was convinced that a large majority of the citizens of Wyoming were desirous of forming for themselves a constitution and State government and of being admitted into the Union and of exercising the rights and privileges guaranteed to a free and loyal people under the Constitution of the United States. He asked further, that representative men of character and ability be chosen as delegates to justly represent all of the classes and people in Wyoming, men who would frame a Constitution which could be submitted to the people for ratification or rejection.

Every county elected delegates and sent them to the convention, which met in the Capitol at Cheyenne on September 3d, and was in session until September 30, 1889. This Convention contained representative citizens, a careful, conscientious and conservative class of men, representing no one



class, or political party. There were in the Convention men from all walks in life, from the farmer to the statesman, men who had or have since then served the State in the following capacities: Chief Justices (3), United States Senator, United States District Judges (2), Governors (3), Representative to Congress, President of the University, State Treasurers (2), and also representatives for the stock industry, for the mining interests, for the merchant, for the press, and, by far the largest number representing the legal profession. A majority of the members had served the Territory in the legislature. They were not novices, but men of wide experience and careful judgment, familiar with the present and future needs and necessities of the State.

Our Constitution, as it now exists, was formulated and adopted by this Convention and signed by the members. In accordance with a resolution passed by this body the Governor called a special election for November 5, 1889, asking the citizens to ratify or reject the Constitution as presented. The voice at the polls gave an overwhelming majority for the document.

A bill for the admission of Wyoming as a State into the Union on an equal footing with the original Thirteen States, was introduced in the House of Representatives at the next Congress. The bill passed the House, was sent to the Senate where an amendment was made in reference to the Yellowstone Park, and the bill returned to the House of Representatives for concurrence. The House agreed to the amendment and the bill was passed, with the signature of the President of the United States attached to the bill, on July 10, 1890. The long struggle for equality and liberty had ended and Wyoming became the forty-fourth State of the Union. In the fall of this year the people elected the State officers, a Representative to Congress and members of the First State Legislature. The most important action taken by this as-

sembly was the election of two United States Senators.\* We now had a voice in our National laws, through our Senators and our Representative, we had a voice in the selection of our President by virtue of our three electoral votes, and we chose our State officers by the voice of the people at the polls.

The Constitution took effect and was in full force immediately upon the admission of the territory as a State, July 10, 1890. (Art. XXI, Sec. 8.) While the Constitution was framed and submitted to the people for adoption, before Congress enacted a law for the admission of Wyoming into the Union, it was stated by Art. XXI, Sec. 23, that there was no intention or purpose on the part of the Convention to set up and organize a State government *until* such time as the United States Government in its wisdom and authority should admit the Territory as a State and call it Wyoming.

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PART II

THE CONSTITUTION  
OF WYOMING

## CHAPTER VIII.

### THE FORMATION OF A CONSTITUTION.

A State Constitution is a set of rules made by the people to regulate their government. It is the supreme law for the State. It is the highest State authority. It is a document which also gives to the different departments of the State their authority. The laws of a State consist of the Constitution and the acts of the Legislature. The courts do not make laws, but determine what the law is. If we are unable to understand what is intended by the wording of the law, the courts interpret for what purpose the law was enacted. If the laws given us were perfectly plain and absolutely capable of but one interpretation, there would be no need of lawyers or courts. It is impossible to do without the Judicial Department of Government, for no two people think exactly alike any more than two people who look at the same landscape see precisely the same objects. This difference of opinion as to the meaning of the law makes the legal profession a possibility and the courts a necessity.

We not only make our laws, but place judges over us who shall translate where we cannot read. How did we acquire the power and authority? This first step to civil liberty dates back to the time of King John, in 1215, when a document called the *Magna Charta*, the Great Charter, was issued. This guaranteed to the English freemen liberties not before enjoyed. The kings exercised all the legislative power and gradually liberty approached serfdom through abuses and usurpations on the part of kingly authority. This *Magna Charta* is one of our most precious historical documents and is the foundation of our common law. It guaranteed to the freemen no imprisonment unless "by the lawful judgment of his peers or the law of the land." It further stated that "we will sell to no man, we will not deny to any man either Justice or Right."

Charles I in 1629 assented to the *Petition of Right* which made taxation only possible by an Act of Parliament, and stated that no man could be imprisoned without due process of law.

**The Habeas Corpus Act** was passed in 1679, during the reign of Charles II. This act further protected those who were unlawfully imprisoned. It demanded that the authorities permit the accused to appear in open court in person (hence the term "thou mayest have the body"), and know why he was arrested. Then came the *Bill of Rights*, under William and Mary in 1689. This bill carried with it the better security of the right of life, liberty and property. It provided against cruel punishment, obtaining money for the use of the Crown without the consent of Parliament, the raising of a standing army in time of peace and the quartering of soldiers contrary to law, excessive bail and fines and impeachment for the freedom of speech.

The Colonial people of our country brought with them from England the ideas embraced in these four documents and the Declaration of Independence was based upon the rights so given to them through their forefathers.

These people believed that they were entitled to the same protection and privileges as were granted them before coming to this country. They believed that the mother country violated her laws when she taxed them without representation, when she arrested and tried them without due process of law, when she kept up a standing army in time of peace and when she denied them the freedom of the press. Founded on the belief of this usurpation of rights the *Declaration of Independence* was written and the Revolution was fought.

The rights which the Parliament and the English Government had given to her people were retained by her colonists after they had severed their connection with the parent country. They waged war to establish and regain the privileges contained in the sacred charters of 1215, 1629, 1679

and 1689. The document of July 4, 1776, declaring our independence not only recites the grievances against England but declares what the rights were as previously granted. "We hold these truths self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted among men deriving their just powers from the consent of those governed. \* \* \* That these United States are and of right ought to be free and independent States. \* \* \* and that as free and independent States they have the full power to levy war, conclude peace, contract alliances, establish commerce and do all other acts and things which independent States may of right do."

In order to obtain these inalienable rights and to exercise the power of free and independent States *The Articles of Confederation* were drawn and put in force 1776-1778. The document was written in 1776, but could not be put into effect until all the States signed it, and Virginia was the last one to sign in 1778. These articles formed a compact between the thirteen States. They gave the Government new powers and established interstate relations which did not before exist. A citizen of one State enjoyed the privileges of any of the other States. The grave error in this document was that while it gave to the citizens the power to assess the States for money it gave no authority to collect the revenue. Power was given to Congress to make new laws, but no provision was made to enforce them. There was no Chief Magistrate to enforce the laws, no Judiciary to interpret them. The Government was no more than an advisory board, without any power of putting into action the advice given. Congress was left at the mercy of the States. If they did not see proper to pay the amount taxed, they did not pay. There was no power to force them to action, and for this reason the Confederation failed. What they

needed was one central Government in place of the thirteen separate ones. The States had been jealous of a central Government and limited its authority to such a degree that it was powerless.

**The Constitution of the United States** was a result of the failure of the Articles of Confederation. It was adopted in 1787 at Philadelphia after a stormy session of four months. The defects of the Articles of Confederation were remedied and authority was given to Congress not only to enact laws but full power to provide for their enforcement. The Constitution protected the central Government and at the same time shielded the State authorities. It established the three departments of government, the Executive, Judicial and Legislative. This was a new creation in the world of government. This trinity of authority is the stronghold of our National and State Constitutions. There was no Bill of Rights in the original Constitution. Some of the States were afraid that this central Government created with new powers might usurp some of these fundamental rights of the people, and before they would sign the Constitution amendments were made in the form of Bill of Rights. These amendments, I to X, limited and restricted the powers of Congress. The States were to be under the authority of the Federal Government, yet there was a desire to have limitation placed upon its power by these amendments. No chances were to be taken that State rights given by the Constitution might at a future day be wrested from them by Congressional action. The Constitution as adopted with its amendments is the supreme law of the land. If Congress passes acts that are inconsistent with the provisions set forth in the Constitution these acts are not laws, but unconstitutional enactments, and are void. (The Judiciary decides if an act is constitutional or unconstitutional, and by the decision rendered through this court the enactment is made a law or declared unconstitu-



tional. No act, however, is passed upon unless some actual case in controversy comes before the court for final determination.)

The State of Wyoming was formed through the authority granted Congress by Article IV, Section 3, Clause I, of the United States Constitution. "New States may be admitted into the Union by the Congress." No part of our State Constitution is, or could be, in conflict with the Federal Constitution. We must be governed first of all by the law contained in our National Constitution, and must formulate our State laws in harmony with its provisions. All acts of our Legislature are regulated by our State Constitution. If these acts conform to conditions of the State Constitution, they become laws, but if contrary to these conditions, the enactments are without force and are declared unconstitutional.

There are written and unwritten Constitutions. England's Constitution is called unwritten because it is not embodied in any one separate document, and is largely a matter of long-established customs and precedents. Yet her Constitution may be found in a large degree in the written documents upon which we based our Constitution. The leading idea in America is that the power to change the Constitution must rest with the people. We cannot all meet in one gathering and enact laws, hence the Constitution was written delegating powers that could be used by those who represent us, but beyond the provisions of the Constitution they cannot go. If time changes conditions and the provisions of the Constitution no longer best meet the needs of the people amendments are made. These amendments can only be made through the people in the same manner in which the Constitution was adopted.

Our State Constitution consists of three distinct parts: (1) The Declaration of Rights, (2) The Frame of Government, (3) The Schedule. There is also the Preface, or



Introduction, called the Preamble, and the Postscript, or Appendix, called the Ordinances. A Preamble is used as an introductory clause, reciting the reasons for passing the document.

**Preamble of the NATIONAL  
Constitution.**

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of *The United States of America*.

**Preamble of the WYOMING  
Constitution.**

We, the people of the State of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this Constitution.

The National Constitution established rights and liberties as set forth in the Preamble; these privileges the State Constitution acknowledges as being in force, and expresses a wish to have them continued and handed down from generation to generation. The one Constitution was made possible only through war. The powder used in obtaining the other was the celebration after the people at the polls had ratified the action of the Constitutional Convention.

(1) The Declaration of Rights contains a recital of the fundamental rights of citizens and the principles which protect their life, liberty and property, as given to the people by the Magna Charta and kindred charters. This statement of rights acts as a guide for the different Departments of State in the execution of their duties. The decisions of the Judiciary are often based upon the principles contained therein and they are a valuable guide for the limitation of or exercise of Constitutional power.

(2) The Frame of Government divides the power of the State into departments and delegates to officers representing the divisions of Government their duties, their power and authority. This part of the Constitution designates how these officers shall be elected. It contains regulations for suffrage, for education, for public health and morals, for institutions for the unfortunate, for the industries to be carried on in the State, for the operation of corporations; it defines the boundaries of our State, and provides for county organizations; it establishes a method of uniform taxation and revenues; also accepts the grants of land donated by the Government. The miscellaneous provisions include education, arbitration and labor, amendments, constitutional conventions and new constitutions.

(3) The Schedule directs the action to be taken in order to pass from Territorial to State Government. It makes the territorial laws become the laws of the State. It transfers the property owned by the Territory to the State, and gives information as to the method by which the Constitution shall be submitted for acceptance or rejection, and finally makes provision for the election of the first State officers and Legislature. The Schedule also contains directions by which the new government may be put into operation.

The Ordinances declare Wyoming to be one of the States of the Union and the Federal Constitution the supreme law of the land, recognize religious liberty, disclaim any title to the public lands within our boundaries, assume the debts contracted by the Territory, and empower the Legislature to regulate the common-school education.

The Declaration of Rights is a restraint on any legislative action that might result in destroying any of the political freedom of the people. It is the safeguard against arbitrary power which might at some time be used by a majority in the Legislature to deprive the citizens of their

fundamental rights — rights that have been gradually acquired during the past centuries. As we examine the different Departments of State in this book these rights will be included in their proper divisions of administration.

That there may be no conflict of control or authority, the powers of the State Government are divided into three distinct and separate divisions: the Legislative, the Executive and Judicial departments. The members of the Legislature, the Governor and the officers of the courts, representing these three departments, are all elected by a direct vote of the people.

### QUESTIONS.

1. What is a Constitutional Convention?
2. What is a Constitution?
3. What are laws? How are they made?
4. Explain the relations to one another of the Magna Charta, the Petition of Right, the Habeas Corpus Act, the Bill of Rights, the Declaration of Independence, the Articles of Confederation, the Constitution. Which is the most important? Why?
5. Why was there no Bill of Rights in the original Constitution?
6. What is the Supreme Law of the United States?
7. Can there be unwritten Constitutions?
8. What is an unconstitutional act? What is its power? Can you decide whether an act is unconstitutional? Why?
9. State the relation of the Judicial Department to the Legislative in law making.
10. How are Constitutions amended?
11. What are the different divisions of our State Constitution? Explain the purposes of these divisions.
12. In what particulars do the State and the Federal Constitutions differ in the preamble?

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Examine carefully the Constitution of Wyoming and the Proceedings of the Constitutional Convention.

## CHAPTER IX.

### THE LEGISLATIVE DEPARTMENT.

Our Constitution, in common with most of the State Constitutions, legislates and contains administrative regulations. This is done to restrict the powers of the departments and put limitation upon their authority.

The Legislature has power to enact the ordinary statute law, deriving always its power from the people through the Constitution.

Except as the Constitution directs, no department can exercise the powers of the other departments. (Art. II, Sec. 1.) The regular sessions of the Legislature are limited to forty days. (Art. III, Sec. 6, Cl. 2.) Bills can only be passed in the manner as the people through the Constitution have directed. (Art. III, Sec. 20-28.)

The Legislative Department is composed of a Senate and a House of Representatives, and is called "The Legislature of the State of Wyoming." The Senators are elected for a term of four (4) years and the Representatives are elected for two (2) years. At present our Legislature is composed of twenty-three (23) Senators and fifty (50) Representatives. (S. L. 1901, Ch. 91, Sec. 5.)

The number of Senators and Representatives that the State may have in the Legislature is regulated by the inhabitants contained in the respective districts. For convenience each county is called a senatorial and representative district. There are thirteen of these districts, sending to the Legislature as many members as are designated in the following list:

	Senators.	Representatives.
Albany County .....	3	6
Big Horn County .....	1	3
Carbon County .....	3	5
Converse County .....	1	3



	Senators.	Representatives.
Crook County .....	1	2
Fremont County .....	1	3
Johnson County .....	1	2
Laramie County .....	4	10
Natrona County .....	1	1
Sheridan County .....	1	3
Sweetwater County .....	2	4
Uinta County .....	3	6
Weston County .....	1	2
	—	—
	23	50

The restrictions placed upon the apportionment of members of the Legislature are: (1) Each county shall have at least one Senator and one Representative, regardless of the number of inhabitants; (2) At no time shall the House of Representatives contain a number of members which shall be less than twice as many as are in the Senate, nor a greater number than three times those of the Senate. (Art. III, Sec. 3, Cl. 3.) As there are now twenty-three Senators, there must be at *least* forty-six Representatives, and there might have been as many as sixty-nine had the Legislature so desired. This limitation is necessary in order to preserve a balance of power between the two houses and not give undue authority to either one. The Senate is often designated as the "Upper House" and the House of Representatives as the "Lower House."

A person eligible to the Legislature must be a citizen of the United States and a resident of Wyoming; he must have lived in the county from which he is elected at least one year previous to his election. Senators must be at least twenty-five years of age and Representatives twenty-one years. The desire to have the Legislature composed of two classes of members has made this requirement in the difference of age. Experience and mature judgment are supposed



to come with age, and a much older class of men are always found in our Senates. The members are looked upon as more conservative in the formation of laws, and act as a check on the more radical measures adopted by the House of Representatives. All of the members of the House of Representatives are elected every two years, but only one-half of the Senate is so elected, the other half serving a second term, and in this way the Legislature is never composed entirely of new members. When a vacancy occurs in the Legislature by death or removal from the State or any other cause, the Governor does not have the power to appoint some one else to take the place, as he does vacancies occurring in many of the State offices. The matter is submitted to the people by special election, who re-elect a member from the district having the vacancy.

The Constitution prohibits the Legislature as to its acts in as great a degree as it directs them what to do. The laws of "Thou shalt not" of the Constitution equal the commands to do. This is a wise regulation, because it is easier to foresee where injuries and injustice may be done than it is to anticipate all the needs for the good of a commonwealth.

**Restriction upon Legislation.**—Section 27, Article III, forbids the Legislature to enact laws in seventy-eight different cases. These cases are all enumerated and cannot be subject to special or local laws to govern them. Laws must be general in their nature in order to be valid and have force, and in order to avoid class legislation.

**Legislators Prohibited.**—No foreigner or non-resident of the State or person under twenty-one years of age can be a member of the Legislature. (Art. III, Sec. 2.)

The apportionment cannot in the Senate be greater than one-half the number in the House. (Sec. 3.) Compensation for services must not exceed a certain amount, fixed by a preceding Legislature; at present it is fixed at five dollars

a day and ten cents mileage. Regular sessions cannot extend beyond forty days. (Secs. 6 and 9; R. S. 1899, Sec. 34.) No monies can be paid out of the State treasury to employees of the Legislature not appointed according to law. (Sec. 29.) No member can vote on a bill in which he has a private interest (Sec. 46); nor can he have an interest in a contract furnishing supplies for the use of the Legislative Assembly (Sec. 31); and he cannot occupy any civil office (except a notary public or officer of the State militia) or be a member of Congress while acting in his legislative capacity. (Sec. 8.) A member expelled for corruption cannot again serve as a lawmaker. (Sec. 12.) Neither House can adjourn *sine die* or finally adjourn without the consent of the other. (Sec. 15.)

No bill granting extra compensation after services have been rendered can be passed (Sec. 30); and no bill can be so changed when passing from one House to the other so as to alter its original purpose (Sec. 20); except for the expenses of the government of the State, no bill can be introduced carrying with it an expenditure of money within five days of the close of the session, unless by unanimous consent. (Sec. 22.) Bills embracing more than one subject, except relating to the classification and revision of laws and the general appropriation bills, cannot be passed. Each bill must be clearly expressed by its title. (Sec. 24.) If a law is amended in any way, it cannot be changed by reference to the title only, but the amended portion must be re-enacted and printed in full (Sec. 26); and no bill can become a law except it is first referred to a committee and put in printed form for legislative consideration, and then passed by a majority vote of each House, and the action taken by each member in voting must be made of record. (Secs. 23 and 25.) No power can be given to private individuals to regulate municipal affairs. (Sec. 37.) Contracts cannot be impaired nor *ex post facto* laws be made.

(Dec. of R., Sec. 35.) The Legislature cannot remove the seat of government of a county, nor divide a county in making Representative districts, or form a new county without complying with the State requirements. (Art. XII, Secs. 2 and 3; Art. III, Apport., Sec. 3.)

These restrictions placed upon the Legislature relate largely to financial questions and the guarding against local or private interests in introduction of bills which may become a law.

**Legislators Empowered.** — The Legislature meets the second Tuesday in January every odd numbered year. (Art. III, Sec. 7.) Each House acts as a judge of the qualifications of its members to take their places as legislators, and determines the rules governing its proceedings. The Senate elects a President as a presiding officer, and the House of Representatives elects a Speaker, each of whom must be a member of the house he represents. (Secs. 10 and 12.) A majority of the members of each house constitutes a quorum and elect all the legislative officers. (Secs. 10 and 12.) Legislators are exempt from arrest while attending sessions, except for breach of peace, treason and violation of their oath of office. (Sec. 16.) All the proceedings of each house must be made of written record, open to the public, except as necessity may demand secrecy. The sessions are open to the public unless there may be some special reason which requires a private meeting. (Secs. 13 and 14.) All bills and joint resolutions are signed in open session by the President of the Senate and Speaker of the House of Representatives, and the fact that they were so signed is entered upon the journal of each house. (Sec. 28.) The Legislature provides for the regulations of corporations (Art. X, Secs. 1 and 10; Art. XIII, Sec. 3) and for courts of arbitration to settle controversies between laborers and their employers. Aliens cannot be employed in connection with any State, county or municipal works. (Art. XIX, Labor, Sec. 1.)

If two candidates for Governor of the State receive at a general election an equal number of votes, the Legislature at a joint session elects by ballot one of these candidates to fill the position. (Art. IV, Sec. 3.) The Legislature has the right to organize new counties and provide for township organization (Art. XII, Secs. 2, 3 and 4) and direct the manner of taking the State census every tenth year after 1895; the number of inhabitants so recorded is used as the basis for the apportionment of State Senators and Representatives. (Art. III, Apport., Secs. 2 and 3.) The Constitution is amended, revised or a new one adopted by direction of the Legislature, but no Constitution, amendment or revision is valid unless voted upon by the people of the State. (Art. XX.)

An amendment to the Constitution is proposed by either branch of the Legislature, and if passed by two-thirds of both houses the amendment is submitted to the electors of the State at the next general election, and if a majority of the electors ratify the proposed amendment it becomes a part of the Constitution. Constitutional conventions are called in the same way. Only once in our history has a Constitutional amendment been submitted to the people. It failed to pass for lack of the requisite number of votes. The question had more of a county interest than one of general importance. (Art. XX, Sec. 1.)

At the regular election in the fall of 1890, Article XVI of the Constitution relating to the selling of county bonds to refund indebtedness was voted upon for amendment. The total number of votes cast at the election was 25,429, and of this number only 7,605 people voted on the amendment. There were 5,435 votes for the amendment and 2,170 against it. In order to have adopted the amendment it would have been necessary to have at least a majority of the 25,429 votes, or 12,730 votes, in favor of the amendment. The Seventh State Legislature of 1903 by a joint resolution proposed the



amendment of the Constitution so far as relates to Article V, Section 17, in reference to salaries of Judges of the Supreme and District Courts. At present each one receives three thousand dollars annually. If the amendment carries, the Supreme Court Judges will receive five thousand dollars a year and the District Judges four thousand dollars. This resolution will be presented to the people for ratification or rejection November, 1904. As this is a question of general importance, it will receive more attention from all parts of the State than the former proposed amendment.

Election and contest cases not provided for in the Constitution are arranged for by the Legislature (Art. VI, Elections, Secs. 1, 2 and 6), as are the deputy officers (Art. XIV, Sec. 4), as are also laws for the protection of live stock from infectious diseases, the provision for public health and morals, the equipment of a State militia, and the establishment and maintenance of public schools and free education. (Art. XIX, Sec. 1; Art. VII, Sec. 20; Art. XVII, Sec. 2; Art. VII, Sec. 1, and Ord., Sec. 5.)

The Legislature in joint session elects the two United States Senators. The person receiving the majority of all of the votes cast is declared the Senator. His term is for six years and his salary is paid by the United States. (Salary, \$5,000 a year.) The President of the State Senate and Speaker of the House and the Governor and Secretary of State all sign his certificate of election. (Sced., Sec. 13.)

### QUESTIONS.

1. What are the two branches of the Legislature?
2. How many senators and representatives have you from your county? Name them.
3. Why has Wyoming only thirteen senatorial and representative districts?
4. What is the limitation of representation in our State legislature?
5. Can an alien be a member of our legislature?

6. What restrictions are put upon legislative enactments? What is an enactment? How does it differ from a law?
7. Enumerate the powers of the legislature.
8. What action can the legislature take about proposed constitutional amendments?
10. Who elects a United States Senator? Who are the United States Senators from this State?
11. Name some important laws enacted by the last legislature.
12. Compare the class of men elected to a Constitutional Convention and those elected to a legislature.

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## CHAPTER X.

### THE EXECUTIVE DEPARTMENT.

When State Constitutions were first adopted, there was a tendency to give the Legislatures a great amount of power and to restrict the authority of the Governors. This was the outgrowth of the general distrust from Colonial times that had risen against executives put in power over the people. The Legislature as directly representing the people was given almost unlimited power, and the Governor could not veto any measure. It soon became apparent, however, that the restrictions must be placed upon the lawmakers and more authority be given to the chief executives of the States. The veto power was given as a check to legislative action, and the legislative authority became more and more curtailed. Formerly the State officials, including the Governor, were appointed by the Legislatures, while at present these can only confirm the selection made by the Governors, and the Governors are now elected by the people.

**The Governor's Powers.** — The chief executive powers are vested in a Governor, who is elected by the people at a general election. (Art. IV, Secs. 1 and 3.) His term of office is for four years, and he receives a salary of two thousand five hundred dollars a year. (Secs. 1 and 13.) To be eligible to the office of Governor one must be a citizen of the United States, a voter of the State and must have resided within the State at least five years preceding the time of the election to be sought. He must be at least forty years of age. (Sec. 2.) If for any reason the Governor's office becomes vacant, the Secretary of State becomes the acting Governor.\* This vacancy may occur in several ways. It may be a temporary or a permanent one. It may be by death, resignation or removal for cause, and it may be

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\*In this case the Secretary of State receives not only his salary, but the salary of a Governor.

sickness or absence from the State. (Sec. 6.) If the Secretary of State could not act as Governor for any of the reasons enumerated in reference to the Governor, the President of the last Senate takes the office; if he is not able to serve, the next in order of succession as Acting Governor is the Speaker of the House of Representatives; if he cannot act, then the State Auditor, and if *he* is unqualified for the position, the State Treasurer takes the place until the disability of the Governor is removed or a Governor shall be elected. (R. S. 1899, Sec. 50.) If an election has to be held, the vacancy is filled for the unexpired term of the Governor and not for the full term of four years. Should a Governor die or resign after being in office but a few months, the Secretary of State would act as the Governor until the next legislative election, which would be in less than two years, and a Governor would then be elected by the people to serve only two years and thus complete the four years' term of office. As necessity may demand, the Governor has the power to call extra sessions of the Legislature. A legislative assembly might adjourn believing it had completed all its duties, when it would discover that some important measure necessary for the successful management of the State affairs had been overlooked, then the Governor has the power to call the members together and additional laws can be enacted. There might be an extraordinary occasion requiring additional legislation, when the Governor can convene the Legislature. Calamities sometimes happen to a State, such as fires, floods, or epidemics, and immediate aid is needed, so as to relieve the distressed, and then an extra session of the Legislature is called by the Governor, and appropriations are made to meet these needs. The Governor is Commander-in-Chief of all the forces of the State, and can call out the militia to suppress riots, preserve the peace or execute the laws of the State. (Art. IV, Sec. 4; Art. XVII, Sec. 5.) While the Governor can-

not dictate to the Legislature what laws it shall enact, he is directed to recommend to that body in a message which is read in person, measures that he believes to be of vital importance for the welfare of the State, and the Legislature is to a large degree governed by these recommendations. All measures acted upon by the Legislature are left to the Governor for him to see that they are faithfully executed. (Art. IV, Sec. 4.) Every bill, order or resolution, excepting those affecting the business proceedings of the Legislature passed by both houses, must receive the Governor's signature before it can take effect. If the Governor does not approve of the bill, he states his objections in writing and returns the bill without his signature. This is called the *veto* power. The bill is then returned to the house in which it originated. If two-thirds of the members agree to pass the bill "over the veto," it is sent to the other house, and if two-thirds of the members of that house concur, the bill becomes a law without the Governor's approval.

A bill may also become a law without the Governor's signature if he does not return it to the Legislature within three days after it is given to him for his consideration, Sundays excepted.

If the Legislature should adjourn within three days after a bill is sent to the Governor, and thus not give him the lawful time to consider it, the bill would become a law, unless within fifteen days after the adjournment he should file his objections with the Secretary of State. This act would kill the bill. (Art. III, Sec. 41; Art. IV, Sec. 8.) The executive veto can be used in an appropriation bill when he can reject such items of the bills as he may not approve. This does not affect the entire bill, but only the part disapproved. (Art. IV, Sec. 9.) The Governor has the right to make appointments and fill vacancies in all offices where there is no law providing for the selection. Great influence and authority are vested in the Governor, and through his

power to appoint many of the State officers who are not elected by the people. This appointive power is a wise provision in the administration of affairs of the State. The Governor is commanded to see that the laws are faithfully executed. If all the offices of trust in the State were occupied by those who were not in sympathy with the Governor's ideas as to what constituted the best government for the State, and if he were powerless to make the removals, there would be danger of constant friction of authority and a working at "cross-purposes." If the Executive is to be made responsible for good government, he must have the power to put into authority those who would enable him to "faithfully execute" the law. The most prominent State offices are filled by persons elected by the people, and the duties of the officers are defined by the Constitution and the legislative enactments. There are, however, many officers who obtain their positions through appointive power. These positions are filled during the session of the Legislature. All of the appointments made by the Governor must be confirmed by the Senate, with the exception of the vacancies occurring when the Legislature is not in session. The Senate must agree to the Governor's choice. If it does not agree, the appointment is not valid and a new selection is made to receive the legislative approval. This is one of the checks on the executive authority, and places some of the responsibility of good government upon the people themselves who have sent their constituents to the Senate to represent them in the making of the rules and regulations of our government. The Governor appoints the State Examiner, Engineer, Librarian, Geologist, Attorney General, Inspectors of Coal Mines, Veterinarian, Superintendent of Fish Hatcheries, Game Wardens and all members of the State Board of Health and Water Control, Commissioners for Stock and Pharmacy, Medical and Law Examiners, Trustees for the institutions for higher education and the



Historical Society. Should a vacancy occur in any of these offices after the Legislature adjourns, the Governor has the power to fill the vacancy until the meeting of the next Legislature. The Governor is President of the State Board of Charities and Reforms. This board has general supervision and control of all charitable, reformatory and penal institutions of the State, including the insane asylum, penitentiary, deaf, dumb and blind asylum, general hospital, Soldiers' Home and all of the county jails of the State. (R. S. 1899, Sec. 633.)

Except for treason and impeachment, the Governor can grant pardons to those who have been convicted by the courts, or he can substitute a less punishment than had been pronounced for a crime. If a criminal has been sentenced to be hanged, the Governor has the power to change the punishment to imprisonment for life, or absolutely pardon the offender; he can also grant reprieves, which temporarily suspend the execution of a sentence. He can remit or release fines and restore property which the courts have taken from the accused, call forfeitures. For conviction for treason the Governor can suspend the execution of the sentence and submit the case to the next Legislature. At each session of the Legislature he must make a statement of all the remissions of fines, reprieves, commutations or pardons granted by him and his reasons for doing the same. (Art. IV, Sec. 5.) Restoration of citizenship to one who has served a term in the penitentiary for crime can be given by the Governor. (R. S. 1899, Sec. 5462.)

### QUESTIONS.

1. Why is the Governor of the State called the executive? Who is called the Chief Executive of the United States?
2. Does the Governor have more power than the legislature? Why?
3. Who is the present Governor? What are his powers? What are his legislative powers?

4. What officials can become acting Governor?
5. What is a veto power? How is it overcome? Why should a Governor have this power?
6. What State officer has the Governor appointed in your county?
7. Are there more State officers elected by the people than appointed by the Governor?
8. What is a pardon and who has power to grant it?
9. Explain the term "restoration of citizenship."
10. Who were the candidates at the last gubernatorial election? When was it held? When does the next election take place?

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## CHAPTER XI.

### THE JUDICIAL DEPARTMENT.

#### *CEDANT ARMA TOGAE\**

The Governor's first duty is to see that the laws of the State as contained in the Constitution and as made by the Legislature are executed and enforced. That these laws may be uniformly administered and authoritatively construed, the third department of the State, *the Judiciary*, is formed.

The judicial branch of the government interprets the meaning of the laws, and applies it to cases in controversy. The laws are *made* by the Legislature and *applied* by the judiciary.

The Judicial Department of the State consists of the Senate, which acts as the Court of Impeachment (Art. III, Sec. 17), a Supreme Court, district courts, Justices of the Peace, courts of arbitration and municipal courts. (Art. V, Sec. 1.)

**The Supreme Court** consists of three Justices with a term of office of eight years, each receiving a salary of three thousand dollars per annum. Judges of the Supreme Court during territorial government were appointed by the President of the United States. At the first State election the three judges all served for a different length of time, one for four, another for six and the third for eight years. This arrangement was made in order to avoid having the term of office of the entire court expire at the same time. It is necessary that this court be continuous and that a majority, or two, of the Judges serve for at least two years before a new member is elected. In this way there is always some judges on the bench who are familiar with the regulations of their court. The Judge having the shortest

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\*This was Wyoming's territorial motto and appeared on the territorial seal. "Let arms yield to the gown," or, "Let military authority give way to the civil power." The great seal of the State bears the wording "Equal Rights," and the seal of the University has for its motto "Equality."

term to serve is the Chief Justice and presides at all terms of court. If a vacancy occurs in the office of the Supreme Court, the Governor has the power to appoint a Justice to hold the office until the next election and until his successor qualifies for office. (Art. V, Sec. 4.) Unless one be learned in law he is not eligible to the position of Justice of the Supreme Court. This provision is absolutely necessary in order to obtain "Justice and Equity" under the law. Knowledge of the construction and requirements of the laws must be had in order to enable the Justice to declare what was the original intent of the laws when enacted or as contained in Constitutional provisions. The Justice must have practiced law for at least nine years and have resided in Wyoming for three years, be thirty years or more of age and a citizen of the United States. (Art. V, Sec. 8.)

No Judge can practice as an attorney in any of the courts of the State or serve as a counsellor at law (Sec. 25, R. S. 1899, Sec. 3293); nor can he hold any other office, elective or appointive during his term of office. (Sec. 27.) This court must meet at least twice a year, on the first Mondays of May and October. (Sec. 7, R. S. 1899, Sec. 3280.) A majority of the court is necessary to constitute a quorum and transact business. (Sec. 5, R. S., Sec. 3284.) The Judges can exercise only judicial duties. (Sec. 16.) The clerk of the Supreme Court, who is also court stenographer, is appointed by the Justices. (Sec. 9, R. S., Sec. 3393.) This court appoints the State Board of Law Examiners, whose duty it is to examine and recommend applicants for admission to the Bar. (R. S., Sec. 3305.) The Supreme Court has power to decide if a law is constitutional. That is, it has the power to judge if an enactment violates any of the provisions of the Constitution. A law cannot be unconstitutional. The fact that the enactment is unconstitutional makes it impossible to be a law. The supreme law of the land is the Constitution of the United States, and Wyoming

is an inseparable part of this Federal Union. (Dec. R., Sec. 37.) The Supreme Court bases many of its decisions as to constitutionality upon the Declaration of Rights as found in our State Constitution. It is the foundation or fundamental principle of our State law. All general laws have a uniform operation. The Supreme Court has general superintending control over the inferior courts and appellate jurisdiction in both civil and criminal causes. *Appellate jurisdiction* is the power to review decisions of a lower court. The decisions may be sustained or reversed. *Jurisdiction* is the power to determine the cause in controversy. Hence the Supreme Court can hear cases in civil action, where the rights of individuals as private persons are involved, and in criminal action, where the State is concerned, provided that they are brought to this court from another court. This is by an *appeal*. (Art. V, Sec. 5.) The Supreme Court has *original jurisdiction* (the power to decide a case when brought to it directly and not on appeal from another court), in *quo warranto* and *mandamus* as to all State officers. The first is an action brought against an official, asking "by what authority" he holds his office, and the *mandamus* is an action to compel the officer to discharge the duties which have been intrusted to him. This court also has the original jurisdiction in *habeas corpus*, where a person detained by law is brought before the court to decide if he has legally been deprived of his liberty. This court has also authority to issue all writs, writings or mandates commanding things to be done, necessary to execute its judicial duties. (Sec. 3.)

**District Judges.**—The Constitution made provision for three district courts (Sec. 20), and the Legislature of 1897 created the fourth district. (R. S. 1899, Sec. 3295.) These are known as judicial districts one, two, three and four. The first district is composed of Laramie and Converse counties; the second of Albany, Natrona and Fremont; the third of Carbon, Sweetwater and Uinta, and the fourth, the last one,

is formed from Johnson, Sheridan, Crook, Weston and Big Horn. The Judges presiding over these courts are known as District Judges, and are elected by the people of each judicial district for a term of six years, with a salary of three thousand dollars per annum. (Sec. 19, R. S., Sec. 3411.) The Constitution left the matter of compensation for the Judges of the Supreme and district courts to be regulated by the Legislature. A constitutional amendment will be voted upon at the general election of 1904, whether to increase these salaries of the Supreme Judges to five thousand and of the district judges to four thousand dollars a year.

Each judge holds court in all of the counties embraced in his district at least twice a year. (R. S., Sec. 3296; S. L. 1901, Chs. 6, 99; S. L. 1903, Ch. 55.)

The requirement for eligibility of Judges in this court are: that the applicant must be learned in law, a citizen of the United States, a resident of the State for two years and at least twenty-eight years of age. A Judge of the Supreme Court must be older, have practiced law longer, and lived in the State for a greater period than the district Judge. The Supreme Court is the last court to decide on a legal question and the greatest accuracy in the knowledge of law is required; longer years of experience are a safeguard, and a greater familiarity with our State laws is acquired by a longer residence within our borders. Appeals are taken directly from the district court to the Supreme Court, where the decisions which the lower court has given are either sustained or reversed by this higher court. A district judge may serve as a Supreme Judge when one of the Judges of the Supreme Court is interested in a case brought before this court. In this case the two remaining Judges select one of the district judges to act in the place of the absent Judge. (Sec. 6.) The district courts naturalize, or make citizens, of aliens. An alien is a foreigner, or one born out



of the jurisdiction of the United States. A naturalized citizen is one who, although born in another country, is adopted by the United States. A citizen is one who owes perpetual allegiance to the State in which he resides. These district courts issue papers to the newly made citizens, and for the sworn allegiance give them the rights and protections of the native-born citizen.

One of foreign birth before he can become naturalized must have resided in the United States at least five years and have declared in a district court his intention to become a citizen at least two years before he takes out his final papers. (R. S. U. S. 1878, Ti. XXX.)

Cases brought from inferior courts, such as that of the Justices of the Peace, can be appealed to the district court. The district court has original jurisdiction; that is a case can have its first hearing before it, in all cases not given by law to other courts, and all cases in matters of law and equity, criminal cases and matters of probate and insolvency. (Art. V, Sec. 10.)

Cases of *law* and *equity* are those of a personal nature affecting one's rights, and criminal cases are those concerning the State, where an injury is done to the public by an act forbidden by the State. Cases of *probate* relate to estates left by those deceased, and cases in *insolvency* are those in which parties are not able to meet their debts and are bankrupt. This court has also the power to issue writs as in cases granted to the Supreme Court. (Sec. 10.) Each Judge has a clerk in all of the counties in which he holds court (Sec. 13) and he also has a court stenographer. The clerk is elected by the people, but the stenographer is appointed by the Judge.

The salary of the stenographer is one thousand dollars per year, and he serves the Judge in all the counties of that district. (S. L. 1903, Ch. 29.) If for any reason a Judge cannot hold court, he may request one of the other Judges

to perform his duties. (Sec. 11.) (See Attorney General and County and Prosecuting Attorney in Part III, Ch. XXI, offices created by the Legislature.)

**Court Commissioners.** — Judges of the district court may appoint commissioners having authority to make in their absence any order which a district Judge may do when not sitting in open court. They can administer oaths or take depositions and evidence.

**Justices of the Peace.** — The board of county commissioners for each county establishes precincts in which Justices of the Peace preside when the punishment prescribed by law does not exceed a fine of \$100 and imprisonment for six months in the county jail, subject to an appeal to the district court. Where the punishment exceeds such limitations, the Justice of the Peace sits as an examining magistrate and binds the accused to appear in the district court for trial, if there is probable cause to believe him guilty, and if not, he discharges him from custody. These Justices are elected by the people within their respective precincts. (Sec. 22, R. S., Sec. 4316.) Their term of office is for two years. They have authority and jurisdiction in civil actions where the amount in controversy does not exceed two hundred dollars. In these cases they have concurrent jurisdiction with the district court. They may administer oaths; take acknowledgments of writings; perform marriage ceremonies; issue subpoenas for witnesses; compel witnesses to appear in their courts; issue attachments and executions on judgments and hear and determine cases of misdemeanor. (Art. V, Sec. 22, R. S., Secs. 4323, 4320.) In no case can a Justice of the Peace have authority over action involving titles to real estate or boundaries of same. (Sec. 22, R. S., 4324.) Appeals to this court may be taken to the district court of the county in which the precincts are located. (Art. V, Sec. 23, R. S., 4397.) No appeal is allowed where the matter in controversy is less than five dollars. (R. S., 4406.)



**Boards of Arbitration.**—That there might be a protection through law to the rights of labor and that the laborer may receive proper reward for his service provision was made for legislative enactment on this subject. (Dec. R., Sec. 22.) The Legislature was empowered to provide for a board of arbitration, to which the laborer might voluntarily submit his claims. (Art. XIX, Board of Arbitration, Sec. 1.) The Legislature of 1901 authorized the Governor to appoint an arbitration commission. This commission of three members was appointed and directed to draft a bill for the constitution of a board of arbitration and report to the Legislature in 1903. This commission, composed of two representatives of labor and one of capital failed to make any report other than one to the Governor, which was to the effect that the labor representation and labor organizations did not care for the enactment of such a law.

The law as administered by these several courts has its foundation in the Declaration of Rights. No enactment of the Legislature or decision of the courts can deprive one of any of these protections and privileges granted in the declaration. Read carefully this portion of the Constitution. The freedom we enjoy to-day is embodied in Article I, and the privileges as set forth therein were granted through the results of the Revolutionary War. Life, liberty and property are made safe by it and cannot be taken from us without due process of law. Equality is established, the right of habeas corpus is given and the right is granted to defend ourselves by counsel in open court when accused. No person can be tried and sentenced twice for the same crime. Security is obtained from unreasonable search of one's person or house and effects. The penal code, or the law governing punishment of crime, is based on principles of reformation and prevention rather than on inhumane treatment. The people are allowed the right to petition the authorities for measures needed for their common good and

free speech is not denied. The legislative, executive, the judicial departments are organized and empowered in order that the provisions of the Constitution may be put in force. Special and distinct duties are assigned to each of these three departments. At times, however, these powers are interchangeable. The Legislature exercises judicial functions when it approves or disapproves of the appointments made by the Governor; the Senate also exercises judicial functions when it sits as a court to try cases of impeachment. The Governor exercises legislative power when he vetoes a bill.

### QUESTIONS.

1. What is the chief duty of the Justices of the Supreme Court of the State?
2. Compare the District Court with the Supreme Court. What Judicial District do you live in? Who are the Supreme and the District Judges from your county? Which officer of these two courts serves the longer term?
3. Has an attempt ever been made to make a constitutional amendment in reference to the Judges of the Supreme Court? Give reason for your answer.
4. What are the advantages of electing a judge for a long term rather than having one appointed for a short term?
5. What is the meaning of the term Jurisdiction?
6. What is naturalization and how is it accomplished?
7. What are the duties of a Justice of the Peace?
8. Who is the Justice of the Peace in your locality?
9. What are his duties?
10. Define arbitration. Why is it of benefit?

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## CHAPTER XII.

### RELIGION, EDUCATION AND FRANCHISE.

The State cannot appropriate any money for a religious or sectarian society or institution. (Dec. R., Sec. 19.) The Legislature is prohibited from making an appropriation for denominational or sectarian institutions, (Art. III., Sec. 36.) No portion of the public school fund shall ever be diverted to support an institution of learning controlled by any religious organization. (Art. VII., Sec. 8.) Religious liberty is secured by our State Constitution and "no one shall ever be troubled or injured in person or property on account of religious worship." (Ord., Sec. 2.) No religious test can be made in reference to the schools controlled by the State, nor shall attendance be required at any religious services, (Art. VII., Sec. 12.) The free exercise of religious worship shall forever be granted and no one can be prevented from filling an office of trust on account of his religious belief, (Dec. R., Sec. 18.) No instruction in religion of a denominational character is allowed in the State University or a sectarian test made in the selection of trustees or instructors or admission of students, (R. S., Sec. 491.) That there might be no misunderstanding as to the attitude of the members of the Constitutional Convention towards religious services in the State the expert testimony of the President of this Convention was asked for on this subject, and his interpretation was as follows: "The aim and object (of the Convention) was to establish religious freedom and equality and so prohibit legislation that would give controlling power to any sect. Means for the support of the public school system is contributed in like proportion by all people of the State, no matter what their religious belief or peculiarities. Entirely just, then, this section of our Constitution that prohibits the use of public funds, generally contributed alike by all, from being used to aid any particular sect or denomi-

nation; but it will be observed that this section contains one other peculiar provision which reads as follows: "Nor shall attendance be required at any religious service therein." Thus it is manifested that our Constitution-makers intended that there should be some religious service in the schools of the State but that no pupil should be required or compelled to attend or take part in these religious exercises. The parents can require their attendance at these religious services, or they can direct their children not to attend these services.

It is believed that the great mass of the people of our State desire some religious training in the schools of our State. The Constitution makers, therefore, believed it wise in the interest of good morals and the good order of society, to promote religious exercises in our schools that would be acceptable to the great mass of our people, but leaving it optional with the parents to restrict their children in attendance if they chose. This is believed to be the fair meaning and construction to the latter section," (Dec. R., Sec. 18.)

**Education**—The general supervision of the public schools is entrusted to the Superintendent of Public Instruction, (Art. VII., Sec. 14.) Opportunities for education are considered one of the rights of citizens and the Legislature is empowered to make provision to advance all educational interests, (Dec. R., Sec. 23.) No distinction is made in the schools as to race, color or sex, (Art. VII, Sec. 10.) Neither the Superintendent nor the Legislature can prescribe the text-books to be used in the schools, (Sec. 11.) Wyoming has a system of free text-books in all the schools, (S. L. 1901, Ch. 38). Free education is given by the State to all children between the ages of six and twenty-one years. The Constitution provided that children must attend at least three years while they are between the ages of six and eighteen, (Art. VII., Sec. 9). The Legislative enactment





Liberal Arts.

Green  
House.

Mechanical  
Hall and  
Power House.

Science  
Hall.  
Gymnasium.

**THE STATE UNIVERSITY OF WYOMING.**





made education compulsory for all children between the ages of seven and sixteen for three months each year, (R. S., Sec 555).

The University of the State of Wyoming is co-educational, and is open to all students of any race or color. The instruction is free. The support for the institution comes from a tax of one-fourth of a mill given by the State and grants of land from which money is received for rents and appropriations of money from the Government, (Sec. 16, R. S., Sec. 1833.) The university is the only institution at present in the State offering higher education.\* The Constitution authorized the Legislature to provide for the teaching of mining and metallurgy and the university has been designated as the place where these subjects are to be taught, (Sec. 17, R. S. 487.)

In addition to the School of Mines, the university has a College of Liberal Arts, an Agricultural, Mechanical, Normal and Commercial College. The management of the university is vested in a board of trustees consisting of nine members, who hold their office for a term of six years without salary. The appointments are made by the Governor at the session of the Legislature. The President of the University and the Superintendent of Public Instruction are ex-officio members of the board. (Sec. 17, R. S., Sec. 488.)

**Elections**—Wyoming has a particularly superior set of laws in regard to her elections. The secret ballot is used and called the Australian Ballot System.† Only the general Constitutional requirements are stated in this chapter. The detailed methods and regulations are to be found in the division of administration of affairs. The right of suffrage

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\*As the University is the only institution for higher education in Wyoming, the President and the faculty constitute the examining board for the *Cecil Rhodes'* scholarship. This gives two students of the University who are able to pass a competitive examination a three years' course at Oxford College, England, with \$1,500 annually for each student.

†Introduced in the Legislature of 1889 by Hon. Frederic S. Hebard and in force from that date.

was granted women in Wyoming at the first Territorial Legislature in 1869. During the second session of the Legislature an unsuccessful attempt was made to repeal the law. Since that time no effort has been made to deprive the women of this privilege of franchise. The subject was discussed at the time of the Constitutional Convention in 1889, after it had received a test of twenty years of actual operation, but no opposition was made against continuing the right granted. Even Congress, when our Constitution with this equality clause was presented for approval, made no serious argument against retaining this provision for "woman suffrage." Wyoming is the first political organization of all time to grant women the right to vote upon all questions where suffrage is exercised. Colorado, Idaho and Utah now have equal suffrage. Equal political rights are granted by the Declaration of Rights (Sec. 3), where the privilege and rights of suffrage are not denied on account of sex, race or color. The right to hold office is not denied on account of sex. All citizens, men and women, equally enjoy all civil, political and religious rights, (Art. VI., Sec. 1.) That there may be no question on the subject and in order to emphasize the fact that the Constitutional law is operative, the revised statutes (1899, Sec. 378), state "the rights of women to the elective franchise and to hold office shall be the same as those of men." Every citizen of the United States of the age of twenty-one years and over, who has been a resident of the State of Wyoming for one year, and of the county wherein his residence is located, sixty days just preceding the election, who is able to read the Constitution, is entitled to vote, (Art. VI., Secs. 2, 5 and 9.) Persons of unsound mind and convicts whose citizenship has not been restored are deprived of the elective franchise, (Sec. 6.) No civil or military authority can interfere to prevent one from exercising this right. All elections are open, free and equal. (Dec. R., Sec. 27.) In order to vote each citizen must register as a

voter, according to law. (Art. VI, Sec. 12.) All general elections are held the Tuesday following the first Monday in November of the even numbered years. All State and county officers are elected at this time and assume the duties of their offices the first Monday in January following their elections. At these general elections all the State and county officers, members of the Legislature, the Representative to the United States Congress and the electors to elect the President of the United States are chosen by ballot. All voters are given the absolute privacy in the preparation of their ballots, and it is absolutely necessary that the ballots so prepared shall be shown to no one before being placed in the ballot box. This makes voting according to one's own judgment and inclination possible rather than following the dictates and wishes of some other person. (Sec. 11, Elect. Sec. 5.) Wyoming, in addition to the two United States Senators which each State elects by its Legislature, is entitled at present to one Representative in Congress. Each State is entitled to one Representative for every 194,182 people within its borders. States having less than this number of inhabitants are entitled to one Representative. At present we have a population of about 100,000 and until we almost double our population we cannot have an additional Representative in Congress. So long as we are entitled to but one Representative the election is made by the entire State. When we have another Representative in Congress the State will be divided into two Congressional districts, each one of which will have a Representative who will be elected only by the people of the district. (Art. III, Apport. Sec. 1, Act of Admis. Sec. 3.) Wyoming is entitled to three presidential electors, who are elected every fourth year after 1900. (R. S., Sec. 196.)

### QUESTIONS.

1. What was the object of the Constitution-makers in prohibiting donations and support to religious institutions? Was it because they did not believe in them?

2. What is the meaning of the "free exercise of religious worship"?

3. Are there any religious tests made in connection with any school position? Why?

4. What is religion?

5. Who has the general supervision of the school system in the State?

6. What is the compulsory school age in the State?

7. Where is the institution for higher learning located? What is it called? How many students attend it?

8. What is meant by a co-educational institution?

9. Explain the Australian Ballot System.

10. How would a blind man vote?

11. What are the qualifications in order to cast a ballot?

12. What is the meaning of the term "equal rights"? Why is Wyoming called the "Equality State"?

13. After State officers are elected when do they assume their duties?

14. How many representatives to the United States Congress are sent by Wyoming? Who so represents us? When will one be elected? How are representatives elected?

15. Who are the United States Senators from this State? How are they elected? When is one to be elected?

16. State some acts of importance that our Senators and Representatives have done for this State.

17. Why are we limited to three presidential electors? What are their duties?

18. When are presidential electors elected and how?

## REFERENCES.

Ashley, *The American Federal State*, pp. 38, 85, 459, 462, Ch. XXIX.

Hart, *Actual Government*, Ch. XXIX, Secs. 32-41.

Bryce, *The American Commonwealth*, II, pages 570-586, Ch. XCII.

Schouler, *Constitutional Studies*, pp. 230-248.

Fiske, *Civil Government*, pp. 133-136.

James and Sanford, *Government in State and Nation*, Chs. IX, XI.



## CHAPTER XIII.

### TREASON, IMPEACHMENT, BRIBERY AND RIGHTS.

**Treason** is a crime. It is an act committed against the State and not against individuals. It is an act committed by a subject against the State to which he has sworn allegiance. The old Roman law called it *crimen læsæ majestatis*, the crime of violated sovereignty. It is a breach of faith in that it attempts to overthrow the political organization which on oath the citizen has promised to protect. Treason against the State and the United States is identical, as set forth in each Constitution.

#### UNITED STATES

Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. (Art. III, Sec. 3.)

#### WYOMING.

Treason against the State shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. (D.R., Sec. 26.)

The Legislature is prohibited from condemning one for treason. A person can be convicted of the crime only on confession in open court or on the testimony of two witnesses to the same actual act of treason.

**Impeachment**—To impeach is to call one to account. The term is used in connection with officers holding positions of trust who have failed to perform duties in accordance with the laws or whose actions do not justify their continuance in office. Their offences may not violate the criminal code, but are a betrayal of trust or a neglect of public duty. The Governor, State officers and judges of the courts are liable to impeachment. The action may be brought against them for crime, for omitting to do their duties according to the law, for misbehavior not amounting to crime in discharge of the duties entrusted to them. The Senate cannot inflict a direct punishment for impeachment. Judgment against



an officer shall consist in removal from office and disqualification to hold any State office. If convicted or acquitted the party is liable to prosecution according to law, (Art. III., Sec. 18.) The power to impeach rests in the House of Representatives, that is it prefers the charge of corrupt violation of official duties. The Senate acts as a court and tries the case. A majority of the House can impeach but it takes a two-thirds vote of the Senate to convict. If the Governor is to be tried the Chief Justice of the State Supreme Court shall preside, (Sec. 17.) When the President of the United States is to be tried the Chief Justice of the United States presides. This provision was made because if the vice-president, who is the president of the Senate should preside at the trial and the President were convicted, the vice-president would succeed to the President's chair. In this way it would place a presiding officer of the court in a position to succeed to the office of the tried party should the court pronounce him guilty. This is one of the safe-guards of national and State government to prevent any action against an officer to profit by his conviction. No one has been impeached in this State. There have been only seven impeachments by Congress, and of this number only two convicted by the Senate.

**Bribery**—To attempt to influence an officer in the conduct of his duty by the offer of a reward is bribery. The one who gives and the one who receives are equally guilty. Members of the Legislature are prohibited from promising to vote on any measure on condition that some other member will give his influence for or against the proposition. The legislator making such a promise is deemed guilty of solicitation of bribery. The punishment is expulsion and ineligibility to the Legislature, and on conviction in the courts the offender is liable to a further penalty as prescribed by law, (Art III., Sec. 42.) A person offering money or any valuable thing to an executive or judicial officer or member of the Legislature to influence him in the performance of his duty,

is guilty of bribery, and may be punished by law, (Sec. 43.) The punishment for both the one offering the bribe and the officer receiving same is imprisonment in the penitentiary for a period not over fourteen years, (Art. III., Sec. 45 and R. S. 5073.) Bribery by the Governor consists in promising his official influence in return for Legislative votes or his promise to veto bills, or the promise to appoint particular persons to office provided members of the Legislature use their influence to pass certain measures, or if he threatens to remove any persons from office, to exercise an influence on the action of a member. In addition to the penitentiary punishment he shall forfeit all right to hold an office of trust or honor in the State, (Art. IV., Sec. 10.)

**Personal and Property Rights**—The Declaration of Rights grants all accused persons in criminal cases the right of a trial by a jury of twelve men. This is called the *petit* jury, and consists of men chosen from the county where the court is held, to decide the issues between the two parties. The *grand* jury also consists of twelve men chosen to inquire into offences which have been committed. This jury makes a written acquisition, called an *indictment*, against the alleged offender. It does not try to prove that a crime has been committed, but accuses parties supposed to have committed the offence. While it requires the vote of the entire body of the *petit* jury to convict a person, nine of the *grand* jury can find an indictment. (D. R. Sec. 9, R. S. 5280.) The Legislature is prohibited from enacting a law stating what the exact damages shall be given for injury or death to a person. Any contract made with an employee agreeing not to sue for damages is without force, (Art. X., Sec. 4.) Persons injured in mines by the failure to provide protection have a right to bring suit against the person or corporation liable, (Art. IX., Sec. 4.) If private property is needed for public purposes or for private use it cannot be taken from the owner without just compensation, (Dec. R., Sec. 33.)

Every head of a family is entitled to a homestead not exceeding in value the sum of fifteen hundred dollars. This homestead is exempt from forced sale under any process of law. This does not apply to sale for taxes or to the obligation of the purchase price of the premises or erection of the improvements thereon. (Art. XIX, Homestead Sec. 1, R. S. 3901.)

### QUESTIONS.

1. What is treason? What is the punishment for treason?
2. Who tries persons guilty of treason?
3. Who can be impeached?
4. Is it wise to give a set of persons control over officials through removal?
5. What is the advantage of depriving one who is guilty of bribery from holding any office of trust in the State rather than making the offender pay a heavy fine?
6. Where is bribery most frequently used?
7. What is the grand jury? How does it differ from the petit jury?
8. Are the sessions of the grand jury held in secret? Why?

### REFERENCES.

Hart, Actual Government, Secs. 571-573.

Fiske, Civil Government, pp. 221, 222.

Bryce, The American Commonwealth, I, pp. 47, 86, 208, 479.

## CHAPTER XIV.

### STATE FINANCES.

#### *TAXES, REVENUES, DEBTS, APPROPRIATIONS, FUNDS.*

No authority in the State can surrender its power to levy taxes, (Art. XV., Sec. 14.) The State has a right to impose taxes upon its people and their property in order to raise money for public purposes. Indirect taxes are duties upon articles for consumption; direct taxes are poll tax and taxes upon land. All the taxes must be uniform and distributed equally among the people. "No tax shall be imposed without the consent of the people or their authorized representatives," (Dec. R., Sec. 28.) The great injustice to the American colonies consisted in England levying taxes upon her people in this country without consulting them or giving them a representative in the tax levying house in England. "Taxation without representation" was the revolutionary watchword and did much toward bringing the war to a successful issue. It was something that not only touched the hearts, but the purse-strings of every colonist. No State tax can be levied except according to law, (Art. XV., Sec. 13.) The law exempts from all taxation all property in the State belonging to the United States, Indian reservations, military posts and reserves, government land and all State property, the State buildings and State land donations; county property, court houses and hospitals, city property, school buildings and property owned for public uses, also secret, benevolent and charitable buildings, (S. L. 1901, Ch. 5); public libraries, the buildings as well as the books; property used for religious purposes and cemeteries, (Art. XV., Sec. 12.) All other property real and personal is subject to assessment and taxation, (Sec. 1, R. S. 1763.) An assessment is the fixing of the proportion of the tax which each person is to pay. Mining and coal lands are taxed, (Art. XV., Secs. 2 and 3.) The gross products of all the



mines are taxed in addition to the tax on the surface improvements, (S. L. 1903, Ch. 81.) For State, county and city revenue the amount of tax that can be levied is limited by law. With the exceptions for educational and charitable purposes and in order to pay public debts the levy limited for State purposes is four mills on the dollar; for county twelve mills, and for city eight mills, (Art. XV., Secs. 4, 5 and 6.) A poll tax of two dollars each year is levied on all citizens between the ages of twenty-one and fifty years. The poll tax goes to the common school fund of the district in which the poll tax is levied, (Sec. 5, R. S. 1193.)

The State has a State Board of Equalization, whose duty it is to fix each year a valuation for assessment on all live stock; to assess all corporations used as common carriers and to equalize the valuation of property in the counties for the State revenue, (Art. XV., Sec. 10.) This board consists of the State Auditor, State Treasurer and Secretary of State, (Sec. 9.)

**A debt** is an obligation to pay money or other valuable thing. It is usually due through some contract, or for some value received. In former days those people who could not pay their debts and could not meet their obligations, were sent to jail as punishment. Now, except in cases of fraud, no one can be imprisoned for debt, (Dec. R., Sec. 5.) The Legislature cannot release any person or corporation from an obligation or debt held by the State, (Art. III., Sec. 40.) Public indebtedness is all restricted by Constitutional provisions, (Art. XVI., Secs. 1-4 and 8.) The Legislature has power to pass bills to raise revenue. Revenue is the income of the State. It is money necessary to carry on the administration of affairs of the State. Bills for raising revenue can only originate in the lower house. The Senate can propose amendments to these bills, (Art. III., Sec. 33.) All appropriations appear in separate bills, each containing but one subject, except the general appropriation bill which con-



tains appropriations for the expenses of the several departments of the State, (Sec. 34.) No appropriation can be made to institutions or corporations not under the absolute control of the State. (Sec. 33.) No money can be paid out of the State Treasury except on appropriation by law and by warrant drawn by proper officers. All bills against the State and county must be verified by affidavit; they must be sworn to before some one duly authorized to administer oaths, (Art. XVI., Sec. 7.) The perpetual funds for school purposes cannot be spent, only the annual income or interest arising from them can be used. This fund includes all money received from the sale or lease of sections sixteen and thirty-six in each township of the State; the five per cent as granted by Congress on the sales of Government lands in the State; proceeds which come to the State through forfeiture, or unclaimed shares of estates of deceased persons. The money arising from this source is called the *common school fund*. (Art. VII., Sec. 2.)\* Fines imposed under the general laws go to the public school fund, (Sec. 5.) The income arising from these funds must be applied to the support of the free schools in every county, (Sec. 7.) The distribution of the same is according to the number of children of school age in each county. No appropriation can be made for a school which is taught less than three months in the year. Private schools can receive no aid from the State whatsoever, (Sec. 8.)

The public school monies must be securely invested and the income or interest from such investments must be used exclusively for the support and use of the free public schools, (Sec. 4.) These funds are considered as a trust fund in care of the State, and the greatest caution must be exercised in the investment of the money. The security given must

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\*The amount distributed in 1904 to the schools in the state amounted to \$71,144.72. The apportionment to each county was based, not on the enrollment, but on the *census* of children of school age. The records give 21,315 school children in the state.

be in bonds of the school districts, or registered county bonds, State securities, or securities of the United States, (Sec. 6.) All moneys not invested must be placed or deposited in some national bank of this State, drawing interest which must go to the State rather than to the parties to whom the money was temporarily entrusted. The law prohibits any public officer from using money for purposes other than those authorized by law, (Art. XV., Secs. 7 and 8.)

### QUESTIONS.

1. What is the duty of the State Board of Equalization? Who compose the Board?
2. What are the limits of the tax levy for State, county and city?
3. Why is it difficult to tax personal property?
4. Is it more just to levy a tax according to a person's ability to pay or according to the benefits he receives from the State Government?
5. Why are the school funds so carefully guarded?
6. How does the State Treasurer obtain the public money and how does he pay it out?
7. How are the monies invested?
8. How are the revenues raised? Why can a bill to raise a revenue only originate in the House of Representatives?

### REFERENCES.

- Hart, Actual Government, Ch. I, (Taxation).  
Fiske, Civil Government, Ch. I.  
Ashley, The American Federal State, Ch. XXV.  
Wilson, The State, Secs. 1258, 1259.  
James and Sanford, Government in the State and Nation,  
Ch. VI.

## CHAPTER XV.

### STATE OFFICERS.

The Governor, the Judges of the Supreme Court, and members of the Legislature are State officers. The Constitution makes provision for other officers who are elected by the qualified voters of the State, at the time and place where the members of the Legislature are chosen. These officers are a Secretary of State, an Auditor, a Treasurer and Superintendent of Public Instruction. Each of these four must be a citizen of the United States, qualified State elector and at least twenty-five years of age and each receives a salary of two thousand dollars a year. (Art IV., Sec. 13.) Their term of office is four years. All of the State officers are eligible for re-election after the expiration of their term of office, except the State Treasurer, who cannot succeed himself, but may be eligible for the position again when four years have expired from the time for which he was elected. (Art. IV., Sec. 11.) This provision is made to protect the State funds which come under his control. The frequent rotation of office necessitates the transfer of money from one treasurer to another and fraud or any irregularity is thus prevented, at least for any length of time.

The official oath of office, which must be taken before entering upon the duties of their respective offices, is as follows:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment) except for necessary and proper expenses authorized by law; that I have not, knowingly, violated any election law of the State, or procured

it to be done in my behalf; that I will not, knowingly, receive, directly or indirectly any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law." (Art. VI., Elections, Sec. 8.)

Any person refusing to take this oath or affirmation forfeits the office to which he is elected or appointed, and anyone violating the oath of office is guilty of perjury and is disqualified forever from holding any office of trust in the State. These oaths can be taken before anyone authorized to administer oaths. The members of the Legislature must take the oath in the house to which they are elected before one of the Judges of the Supreme Court or a Justice of the Peace. (Art. VI., Elections, Sec. 9.) Uniformly these oaths have been administered by a Judge of the Supreme Court.

**The Secretary of State** must reside in the capital and keep his office in that place. He has the care of the great seal of the State. The imprint of this seal is placed on all documents and certificates coming from his office. He has the custody of all of the documents and papers connected with the Legislature of Wyoming. These are of extreme value as they are the laws as originally made, and in cases of controversy reference is made to the documents as the most accurate authority to settle the question. The Secretary attests or certifies to all of the official acts of the Governor under his "hand and seal," and keeps a register of all the commissions issued by the Governor and of the Governor's official acts. (R. S., Sec. 55.) The Secretary must give a bond of ten thousand dollars that he will well and truly perform the duties of his office. He is the custodian of all the bonds of the other State officers. (R. S., Secs. 54 and 69.) If the position of Governor becomes vacant, he is then the acting Governor. He receives the salary of both offices



when filling both places. The salary of the Governor is two thousand, five hundred dollars a year.

If the Secretary of State removes from the State or is impeached, the Governor has the power to appoint a Secretary of State. (R. S., Sec. 64.)

**The Auditor** gives a bond of fifteen thousand dollars. He is the accountant of the State and audits and settles all claims against the State except those required by law to be adjusted by the other officers; he is the keeper of the accounts, vouchers, documents and all papers relating to the accounts and contracts of the State. He is also ex-officio Insurance Commissioner whose duty it is to examine into the conditions and relations of any insurance company doing business in the State, (R. S. Secs. 70, 72, 82.)

**The Treasurer** of the State is obliged to give a bond of twenty-five thousand dollars. He receives and keeps all of the money of the State not required by law to be kept by some of the other officers. The Auditor makes out warrants for bills against the State and the Treasurer pays the bills as indicated by the warrants, (R. S. Secs. 85 and 86.) He invests all permanent funds arising from the sale of State lands, (S. L. 1903, Ch. 30.)

**The State Superintendent of Public Instruction** has the general supervision of the educational interests of the State and is an ex-officio member of the board of trustees of the university, (R. S. Sec. 488.) Each year he distributes the money received by the State Treasurer for public schools, including rents of unsold school lands, among the several counties of the State according to the number of children of school age in each. The money is paid by the Auditor's warrant to the county treasurers. The county superintendents have the money sent from the county treasurers to the several school districts in the county. No district having a school for less than three months receives any of this distribution, (R. S. Sec. 93.)



In addition to the regular duties of these State officers, they also serve ex-officio, on State Boards and Commissions as follows:

State Board of School Land Commissioners: Governor, Superintendent of Public Instruction and Treasurer.

State Board of Land Commissioners: The Governor, State Superintendent of Public Instruction and Secretary of State.

State Board of Charities and Reforms: Governor, Secretary, Treasurer, Auditor.

Capitol Building Commission: Auditor, Treasurer, Engineer.

State Board of Condemnation of Sale of Useless State Property: Secretary, Treasurer and Auditor.

State Board of Equalization: Secretary, Auditor and Treasurer.

The Constitution does not designate all of the officers of the State, but delegates some power to the Legislature in creating such offices as are necessary for the best interests of good government. It, however, provides for a **State Examiner**, who is appointed by the Governor, and confirmed by the Senate for a term of four years, (Art. IV., Sec. 14.) His salary is two thousand dollars per year, (S. L. 1903, Ch. 99.) His duties are to examine all books and accounts of the several offices of the State and county and to establish a uniform and correct system of keeping the financial accounts of these several institutions. He visits these offices without previous notification at least twice a year and makes detailed accounts of his inspection to the Governor. In case the State Treasurer, or a treasurer of a county or municipal corporation, should be removed, he would take the vacant place until such time as the office was again filled by proper authority. Once a year he makes an inventory of all the chattel property of the State, keeping a record of the description of this property, its location, condition, and cost, (R. S. Sec. 116, 121-123.)

**The State Engineer** is appointed by the Governor and serves for a term of six years. His salary is two thousand, five hundred dollars. He has the general supervision of the waters of the State, and the offices connected with their distribution. (Art. VIII., Sec. 5.) He makes measurements and calculations of the discharge of the streams and makes surveys to determine the best locations for constructing works for utilizing the water of the State and ascertains the location of the lands best suited for irrigation. All the needs of the State as to irrigation matters are entrusted to the Engineer, (R. S. Sec. 104.)

The Governor appoints two **Inspectors of Coal Mines** who hold the office for six years, and receive annually two thousand dollars. One has the jurisdiction of Laramie, Albany, Carbon, Sweetwater and Uinta counties, called District No. 1. The remaining counties of the State constitute District No. 2. The duties of these officers are to examine all of the coal mines within their district at least once in three months and to see that all the requirements by law to protect the miners are being fulfilled. (Art. IX., Sec. 1, S. L. 1903, Ch. 23.) Other mines than coal mines are inspected by the Geologist, (S. L. 1903, Ch. 35.)

**The State Geologist** receives his appointment from the Governor, confirmed by the Senate, as are all the appointments made by the executive, (Art. IX., Sec. 6.) He receives a salary of two thousand, four hundred dollars. His duties are to report on the mining property and to collect official information relating to the various mines and to publish reports upon mining projects in the State in order to advance the mining industry and to advertise the mineral wealth of our State, (S. L. 1901, Ch. 45.) He is also ex-officio Inspector of Mines other than coal mines. He makes examination of all matters relating to the safety of the persons working in these metalliferous mines, (S. L. 1903, Ch. 35.)

If vacancies occur in any of the State offices the Governor has the power to appoint some one to fill the place until the next election, or until the next Legislature, (Art. IV., Sec. 7.) This does not apply to members of the Legislature, who have to be elected by a special election, (Art. III., Sec. 4.) No person holding a United States office can occupy any official position of this State to which financial compensation is attached. (Art. VI., Elections, Sec. 7.) The salary of no officer can be increased or diminished during his term of office. (Art. III., Sec. 32.) The salaries of county officers are limited by the Constitution and definitely regulated by Legislative enactments. The amounts received are gauged in accordance with the assessed valuation of the counties. (Art. XIV., Sec. 3.)

The counties are divided into classes as follows:

Assessed valuation of over five million dollars, first class.

Assessed valuation of over two million, five hundred thousand dollars and not exceeding five million, second class.

Assessed valuation of more than one million, four hundred thousand dollars and not exceeding two million, third class.

Assessed valuation of less than one million, five hundred thousand dollars, fourth class.

### QUESTIONS.

1. What is the advantage of having some of the State officers elected by the people and some appointed by the Governor?
2. What State officers are elected? When was the last election held? When is the next election?
3. What is the reason for prohibiting one from holding a State office if he cannot take the required oath of office?
4. Explain the duties of the Secretary of State? The Auditor? The Treasurer? Superintendent of Public Instruction?
5. Give the names of the officers holding these positions. Do any of them come from your county?
6. What authority and power have the State Boards?

7. Is the office of the State Examiner a necessary one? How can he prevent frauds?
8. Why do we have State Mine Inspectors?
9. What are the duties of the State Geologist?
10. How are vacancies in the State offices filled?

## REFERENCES.

- Fiske, Civil Government, pp. 167-180.  
Ashley, The American Federal State, Ch. XX.  
Wilson, The State, pp. 612-639.  
Hart, Actual Government, Ch. VIII.  
Bryce, The American Commonwealth I, Ch. XLIII.

## CHAPTER XVI.

### STATE LANDS, WATER, LABOR, CORPORATIONS, MILITIA AND PUBLIC BUILDINGS.

The subjects of land and water are equally important in the arid regions. Land without water is about as valueless as water without land in Wyoming. They are the hook and eye that bind the State together. Each is practically useless without the other in a country where there are no stated periods of rainfall. The Constitution (Art. XVIII., Sec. 1) accepted the grants of land made by the United States to the State for educational purposes, for public buildings and institutions and other uses and accepted donations of money as provided in the act of admission of the State into the Union approved July 10, 1890. All the lands thus donated are unconditionally set aside for the purpose specified in such act, and the proceeds arising from the use or sale of same are never expended for any other purposes, (R. S., Sec. 795, Act of Adm., Sec. 4-14.) These lands cannot be sold for less than \$10.00 per acre. The acceptance of arid lands from the Government was authorized by the Legislature (S. L. 1895, R. S., Sec. 934), on the condition that the State reclaimed these lands and disposed of them to settlers.

The State Board of School Land Commissioners, and the State Board of Land Commissioners have control, direction, disposition and care of all lands granted the State, (Art. XVIII., Sec. 3, Art. VII., Sec. 13.) These grants of land were not from any one locality in the State; they included stated numbers of acres which could be selected from any part of the State for special purposes. The School Land Commissioners have control, direction, leasing, disposal and selection of the school lands. The other land board selects and controls all of the other lands donated to the State, (S. L. 1903, Ch. 78, Secs. 1 and 2, Art. XVIII., Sec. 4.) Wyo-



ming, by her Constitution, disclaimed any ownership or title to the unappropriated public lands within her boundaries or to any lands owned or held by Indian tribes and also declared that no lands or property of the United States within her boundaries should ever be taxed. (Ordinance, Sec. 3.) The right of eminent domain or the right to take private property for public uses cannot be exercised without compensation to the owner. This right also extends to taking property and franchises of incorporated companies when needed for public use. (Art. X., Secs. 1 and 9.) Private property can be taken for private use without the consent of the owner, but only with due compensation, when needed for private ways of necessity and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, (Dec. R., Sec. 32.)

**Water**—Wyoming was the first State to provide by Constitutional enactment that the water within the borders of a State is the property of the State. The Constitution of Colorado holds water to be the property of the public. When this State was admitted to the Union the Federal Government ceded to the State the title and control of all water in the State. There are approximately 98,000 square miles in Wyoming, or sixty-two million, seven hundred and twenty thousand (62,720,000) acres of land. There are probably eight hundred thousand acres of this land irrigated and nearly twice this area under ditches, that is, which can be irrigated when there is a demand for the water from the ditches. This land, under irrigation, would be practically valueless except for grazing purposes without the use of water. The subjects of irrigation and the duty of water do not receive attention in most of the State Constitutions. There is no need of it. The rains coming at stated seasons do for other States what the snow on the mountains, reser-

voirs and irrigation ditches do for the States in the arid region. Water in Wyoming is essential to industrial prosperity. It is limited in amount and is easily taken from its natural channels, and must be under the control of the State, (Dec. R., Sec. 31.)

All waters of the rivers, creeks, springs and lakes within the borders of Wyoming are the property of the State, (Art. VIII., Sec. 1.) The State Engineer and his superintendents of the four water divisions constitute the board of control who have general supervision of the waters of the State and of their appropriation and distribution, (Sec. 2 and 4.) Those who have first used or appropriated water from the streams for beneficial purposes have the first claim to the water. This is called priority of appropriation. These appropriations are not denied unless the public interests demand the withdrawal or refusal of the right. (Sec. 3.) Municipal corporations can acquire the same right as individuals and can appropriate and use water for domestic and municipal purposes, (Art. XIII., Sec. 5.)

**Labor**—Only citizens of the United States or those who have declared their intention to become such, may be employed in the construction of public buildings or improvements in this State, (Art. XIX., Labor, Sec. 1.) No boy under fourteen years of age and no girl or woman can be employed in or about coal or other dangerous mines, (Art. IX., Sec. 3.) The Legislature makes provision for the proper ventilation, drainage and operation of all mines, (Sec. 2.) Eight hours are considered a lawful day's work in all mines and on all State and municipal work, (Art. XIX., Concerning Labor, Sec. 1.) No person can enter into a contract with any other person or corporation on condition that if he receives employment the one using his services will be exempt from liability or responsibility because of personal injuries due to the negligence of the proper protection for the employed. (Art. XIX., Labor Contracts, Sec. 1.)

**Corporations**—A *corporation* is an association of individuals bound together for a definite purpose and permitted to do business under a special name. A *private corporation* is created for the private benefit of the various members and is allowed to change its members without destroying the association. A *municipal corporation* is a public organization created for political purposes, such as counties, towns and cities and is invested with governmental powers. Corporations are a part of the State and are subject to its control. Monopolies and perpetuities are not allowed in Wyoming, (Dec. R., Sec. 30.) A *monopoly* is an exclusive right granted to a few to buy or sell, make or use a given thing; a *perpetuity* is an interest in property or things which cannot be transferred. Corporations, in order to be legally organized to do business, must obtain a franchise. A *franchise* is a term applied to the privilege granted by the Legislature to corporations to transact business, (Art. X., Sec. 2.) A combination of interests, preventing competition is a *trust*. Any consolidation of corporations which interferes with the public welfare, is prohibited, (Sec. 8.) In territorial days towns and cities derived their corporative power from special charters, granted by the Legislature. Now they are organized and classified according to a general law. All cities having a population of more than four thousand inhabitants are known as cities of the first class, (R. S., Sec. 1587.)

Railroad corporations are granted the privilege of operating in the State. (Art. X., Railroads, Sec. 1.) All railroads and telegraph lines are public highways and common carriers and as such cannot discriminate as to the uses made of them. All who use them must be treated equally and impartially, (Sec. 2.) No franchise can be granted to railroads, telephone, telegraph or electric light lines to be constructed in a city without the consent of the officials of the municipality. (Art. XIII., Sec. 4.) A corpora-

tion is allowed, by its charter, to engage in only one line of business, (Art. X., Sec. 6.) If the same company desires to carry on a business in more than one department additional charters will have to be granted for each general line. The Legislature and all municipal corporations are prohibited from giving financial aid to any railroad or telegraph line, (Art. III., Sec. 39, Art. X., Sec. 5.) No corporation is permitted to transact business in the State until it has accepted the Constitution of the State and filed such acceptance in the office of the Secretary of State, (Art. X., Secs. 5 and 6, R. S., Sec. 3058.)

**Militia**—Technically, the militia of the State is made up of all able bodied male citizens between the age of eighteen and forty-five years. It might be called a citizen army. Actually, the militia consists of all the men who have volunteered their services to the State and have enlisted in the Wyoming National Guards, (Art. XVII., Sec. 1.) These militiamen may be ordered into active service to aid the civil authorities to suppress or prevent riot or insurrection or prevent invasion. They act as a State police force at the call of the Governor. "The right of citizens to bear arms in defense of themselves and of the State shall not be denied," (Dec. R., Sec. 24.) This military power is always under the strict control of the civil power of the State, and no soldier in time of peace can be stationed in any house without the consent of the owner, (Sec. 25.) The Governor is commander-in-chief of the Wyoming National Guards. His staff consists of officers appointed by him for a term of four years. (S. L. 1901, Ch. 62, Sec. 1.) The chief of his staff is an *adjutant-general* with the rank of brigadier-general, who has general supervision of the ordnance, arms and supplies of the militia which are the property of the United States and the State. The enlistments are for a term of three years. Officers of a company are elected by the company and commissioned by the Governor and all militia serve with-



out salary unless on actual duty when the compensation is two dollars per day, (Art. XVII., Sec. 3, R. S. Secs. 718, 729, 739, 742.) No elector on the day of election is obliged to serve on militia duty unless in time of public necessity, (Art. VI., Sec. 4.) No military force can be brought into this State to suppress domestic violence without being called for by the Legislature, or the Governor, when the Legislature is not in session, (Art. XIX., Police Powers, Sec. 1.) No military organization of the State can carry any flag of any nationality except that of the United States, (Art. XVII., Sec. 4.)

When the President of the United States called for troops in the Spanish-American War of 1898, our State apportionment was 231, but 338 were mustered in with our first battalion. The call stated that men from our National Guards or militia should be used as far as possible as they had the advantage of being better equipped, armed and drilled. The battalion left Cheyenne, May 18, 1898, for California and sailed for the Philippines June 27, and reached Manila August 2, in time to assist in the capture of that city. Upon the second call for troops from President McKinley, a battery of light artillery was accepted from Wyoming, containing 125 men who were mustered in June 15, and sailed from San Francisco November 8, 1898, for the Philippines. In addition to this seven troops of cavalry recruited in the State and entered the Second U. S. Volunteer Cavalry which was organized at Fort Russell under the command of Colonel J. L. Torrey. Officers and their men numbered 592. They went to Florida, June 22, 1898. Wyoming not only sent her apportionment of soldiers to the war but aggregated four and one-half times her proper quota. Governor De Forest Richards, in speaking before the Legislature in 1901, of their courage and fortitude, said: "Too much cannot be said in praise of the men of the State of Wyoming, who, at the first call to arms, offered themselves as champions of



our country's cause." Following his recommendation suitable medals were presented in the name of the State to each participant.

**Public Buildings**—The Constitution located several of our public buildings for a period of ten years at least; after that time the Legislature might make provision for a re-location by popular vote of the people. This vote will make the location permanent and for all time. The public buildings located were:

The Capitol at Cheyenne.

The State University at Laramie.

The Insane Asylum at Evanston.

The Penitentiary at Rawlins. (Art. VII, Sec. 23.)\*

The charitable, reformatory and penal institutions are under the supervision and control of the State Board of Charities and Reform, which is composed of the Governor, Secretary of State, Treasurer, Auditor and Superintendent of Public Instruction, (Art. VII., Sec. 18, R. S., Sec. 632.) The seat of government or the capitol is under the charge of the capitol building commission, consisting of the State Auditor, Engineer and Treasurer, (R. S., Sec. 708.) The university is under the authority and custody of the Board of Trustees, (R. S., 490, Art. VII., Sec. 22.) Other State buildings have been erected and put into operation by Legislative action, but the four mentioned are the only ones enumerated in the Constitution, and for which Constitutional provision has been made. † Article XXI of the Constitution contains the provisions for transferring from the territorial to State organization, making all territorial State property and buildings as well as all laws and obligations of the territory to pass to the State.

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\*These four public buildings have remained in the location indicated to this date. At the general election, to be held in November, 1904, the question of the permanent site of the buildings will be submitted to the qualified electors of the state. Any locality receiving a majority of the votes cast for any building shall be its permanent place. (S. L. 1901, Ch. 26.)

†See Part III, Chap. XXII, Appendix B.

## QUESTIONS.

1. What relation do land and water bear to one another in the arid region?
2. How many acres of land has the Federal Government granted Wyoming?
3. State the lowest price for which land can be sold? What is the object in placing the price so high?
4. Who owns the Indian Reservations? The Yellowstone Park? The ground the Capitol Building stands on at Cheyenne and the land occupied by the Federal Buildings in the State?
5. What is Eminent Domain?
6. Can private property be taken for private use? Why?
7. What is meant by the term "reclamation of arid land"?
8. What large irrigation enterprise is there in your locality?
9. What is a corporation? A trust? A franchise? A monopoly? A municipal corporation?
10. Is there a municipal corporation in the place where you reside? Who controls it?
11. Why are corporations obliged to accept the Constitution before they can transact business in the State?
12. Has the Governor ever had to call out the State militia? Why?
13. How many companies of the National Guard are there in Wyoming?
14. State some good reason why no military organization can carry any National flag except the Stars and Stripes.
15. What harm could result from having children and women work in mines? How long is a lawful day's work?
16. Where are the Public Buildings of the State located?
17. What is the meaning of the word charitable, reformatory and penal institutions?
18. When did Wyoming become a State?

## REFERENCES.

- Act of admission of Wyoming to the Union, R. S. 1899. (Donations of Land.)
- Consult Revised Statutes and Session laws of the State. Journals and Debates of the Constitutional Convention, Wyoming (of extreme value).
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- Bryce, The American Commonwealth, I, 49, 678, 702.

Ely, Monopolies and Trusts.

Hart, Actual Government, Secs. 215-217 (Labor), 204-205 (Militia), 209 (Corporations).

Wilson, The State, Secs. 1506-1509.

Ashley, The American Federal State, Ch. XIX.

Fiske, Civil Government, pp. 116-136.

James and Sanford, Government in State and Nation, Ch. XI.

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**(Sample Examination Questions Given to Teachers on the Civil Government of Wyoming.)**

1. Name the three forms of government. Give examples of two of these in Wyoming.

2. Name five State offices filled by election. Five by appointment.

3. Describe the machinery by which every voter is allowed to have a voice in the selection of candidates for county, State and national offices.

4. What are the principal duties of the State Superintendent?

5. What State officer may not succeed himself? Why?

1. What is meant by the jurisdiction of a court? What is the jurisdiction of a court of a Justice of the Peace?

2. How is a vacancy in one of the county offices filled?

3. Who are the Justices of the Supreme Court and when does the term of each expire?

4. Does the Secretary of State continue to draw the salary of the office when advanced to that of Governor? Does he draw the salary of the Governor in that case?

5. How can one collect a bill against the county?

6. Distinguish between a civil suit and a criminal prosecution.

1. Who is Governor of Wyoming? How did he become Governor? How does the Constitution of the United States and many State Constitutions differ from ours in providing for this emergency?

2. How are criminals brought to trial before the district courts? How in the United States courts and in many State courts?

3. What are the sources of revenue for the support of the public schools?

4. What is the minimum price for which school lands can be sold?

5. Name the members of the State legislature from your county and tell when their terms expire.

PART III  
THE ADMINISTRATION OF  
AFFAIRS IN WYOMING





## CHAPTER XVII.

### *THE ADMINISTRATION OF JUSTICE.*

Laws are a dead letter without courts to expound and define their true meaning and operation.—*Alexander Hamilton.*

The written laws of the State are the Constitution and the Legislative acts. These acts comprise the statutes of State. The judicial department applies these written laws to matters in controversy. Questions under dispute, rather than to be settled by force of arms or by physical strength are taken into courts where each party to the legal contest presents his arguments as to what he believes to be his personal or property rights. The judicial department then decides on the strength of the testimony given who is entitled to these rights. If all were equally just and willing to acknowledge that our neighbor had precisely as many rights as we have, then there would be little use of courts. The Judicial Department is the parent, deciding the difficulties between contending children, who, not agreeing among themselves refer the matter to a more experienced authority possessing impartial judgment. Others can protect our interests better than we can ourselves. The strong right arm of the law is more powerful and effective than firearms. Wrongs are more lastingly eradicated by justice than by force. While the judicial decisions are not really the written law they apply to the case and hand down the law in the form of decisions and these decisions are accepted as law; inasmuch as they are the legal interpretation of the intent of the law-makers.

Judges do not always receive the same light upon the same points of law, hence make different interpretations, and one court often reverses the decisions of another court. People's ideas change, and the law changes with the ideas and wishes. This, of course, is accomplished through the acts

of the Legislature, the members of the Legislature thus expressing the wishes of the people who elected them. It is a wrong idea to think that the government was made for its own sake and what the people created for its own use is but a place for office seekers. The Government is an organization for the purpose of carrying out the wishes of the people. The original object of a government was for the protection of the people and not that the people were to protect the Government. If we personally had to defend and protect each our right most of our time would be so occupied. The organized government does the work for us.

Governmental authority can serve the interests of each person much better than if these personal matters were all settled by the individuals directly interested. Education, as taught through our public school system, is more uniform and better results are obtained than if each family had its private teacher. The care of the insane and control of unfortunate children have more careful treatment insured to them when under the control of the State. Marriage and divorce laws must be governed by a uniform regulation. Railroads must be governed and commerce directed. The waters of the State must be carefully utilized and election frauds prevented. All of these necessary departments of organization cannot be best served by individual effort. It requires organized efforts. The law states what the rights and duties of the citizens are in regard to these common interests, and when a duty is forgotten and a right taken away, the redress is in our courts of Justice, or the Judicial Department of the State. The acts of these departments are not based alone on the Constitution and the statute laws but also on the "common law." The *common law* is the general custom which has been handed down by tradition and is that part of our legal code which came to us from Revolutionary days and was derived from English law. This law embraces certain principles which our ancestors brought

across the water with them as birth rights and which are the basis of our Constitution. This common law is often called the unwritten law of the State. One of the early laws that was made by the first Territorial Legislature in October, 1869, (S. L., Ch. 15), was to adopt the "common law" of England as it existed at the first settlement at Jamestown, Virginia, in 1607,\* as part of our statute law. This act as passed in our first Legislature has remained unchanged as it now appears in our revised statutes, (Sec. 2695.) Our common law is the common law of England and the common law of England dates back to the time "that the mind of man runneth not to the contrary."§

All of our rights would exist if we did not have courts, but unless there was some power to insist that these rights be protected and to punish those who deprive us of them, it were as well we did not have them. The Legislative acts are laws in general affecting all the people of our State. Decisions of the courts apply the law to some special case or right. The courts never state that the laws have been violated, and they never interpret the Constitution or give a decision unless some special case in controversy is brought before them for judgment.

All cities with more than four thousand inhabitants, (called first class), have two Justices who have exclusive jurisdiction over cases which involve offenses against the ordinances of the city when the fine to be imposed does not exceed two hundred dollars, or, imprisonment for three months, (R. S., Sec. 1657.) This office is filled by appointment from the mayor of the city. Every precinct in each county has a Justice of the Peace. The county commissioners decide how many voting precincts there shall be over which a Justice of the Peace shall have jurisdiction, (R. S., Sec. 4316.) These Justices have authority in their precincts over all civil ac-

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\*In so far as the same is of a general nature and not local to England

‡ Blackstone.

tions, or cases concerning the rights or wrongs of individuals, where the amount in dispute does not exceed two hundred dollars. (R. S., Sec. 4323.) The next higher court is the District Court of which there are four in the State. (R. S., Sec. 3295.) The highest and last court in the State is the Supreme Court, consisting of three judges. The decisions of this court are final except in cases wherein a Federal or National question is involved, when an appeal lies to the United States Supreme Court, as provided in the Constitution of the United States, (U. S. Const., Art. III., Sec. 2.)

A wrong is a violation of the law. The courts determine if the law has been violated and decide what the punishment shall be. A wrong in the eyes of the law is either civil or criminal. When a suit is brought against an offender for the protection or enforcement of a private right, it is a *civil action*. If a wrong had been committed which affects the security of the general public it is a *criminal case*. The party who received the injury is called the *plaintiff* and the one who does the wrong the *defendant*. In a civil case the first step to be taken in order to secure justice before the law is for the plaintiff to file a *complaint* or *information* before the Justice of the Peace or some judicial officer. This is a written statement setting forth the facts as to what has been done to the one injured and asking the court for damages or to receive a judgment. The defendant is summoned to appear in the court and answer the charges. Plaintiff and defendant, generally, appear with their attorneys who conduct the case for them. In civil cases the defendant may file a *demurrer*, which is a statement as to some irregularity of the law, or that the plaintiff has not shown sufficient matter against him. Finally after several cross and counter claims made by each side, both parties to the suit settle down to a single, definite point, which is affirmed by the plaintiff and denied by the defendant. This is called the *issue* and on this the case is tried on its merits before the court authorities.



While the case is tried before the Judge or Justice who acts as the presiding officer, it is the jury who gives the *verdict* for the defendant or the plaintiff. This *jury* is composed of six men in courts of the Justices of the Peace, and twelve men in the District Courts chosen to try the case. Each side is allowed a number of *challenges* of the jurors. Either side may believe a juror would not give a fair or impartial decision; that he was biased, prejudiced or interested in the case. This juror is rejected and another one is substituted, until the number of challenges of each side is exhausted. In criminal cases the law presumes that the defendant is innocent until proven guilty beyond a reasonable doubt; but in civil cases the plaintiff proves his case by a preponderance or weight of the evidence only. Hence the burden of the proof rests on the plaintiff. The one bringing the suit must prove that the alleged wrong was really committed by the accused. The evidence to sustain the defendant's guilt or wrong is given by the plaintiff and his witnesses. The defendant answers these charges and in time has his witnesses to support his statements. After all of the evidence is submitted the attorney for each side argues the case before the jury that the evidence of the case is on his side and for his client, and he is entitled to a verdict in his favor. When the evidence is all in and the arguments of the counsel have been made, the judge instructs or charges the jury as to the rules of law which are to govern them in arriving at their conclusion in their verdict. The judge states the law correctly, clearly and completely so that the jurors may properly apply the evidence and decide in accordance with the law the points that are at issue. In secret the jury deliberates. When they come to an unanimous conclusion they return to the court room and give their written decision. This is the *verdict*. Sometimes the jury cannot agree and no verdict can then be given. When this is the case the jury is discharged by the court and a new



trial can be called before a new jury. Following the verdict comes the *judgment* of the court, which is a sentence of the law. If it is a case that cannot be appealed to a higher court, and if no appeal is taken the judgment is *executed* by the sheriff or other officer carrying out the decision of the court. If the execution is against the body of the accused he is placed in prison, if it is against his personal property, he must compensate the party winning the suit for the injury given. When an injury is done to some one which not only injures him but injures the community, in which the wrong was committed, it is no longer called a wrong, but a *crime*, and is a deed which the public punishes in its own name. Private wrongs are prosecuted by the person injured; public wrongs are prosecuted by the State; (the term "State" is used to mean "organized society acting through government.")

A crime is an act which violates some law that affects the public and can be punished by the State which prosecutes the offender in its own name. Crimes in this State are divided into two classes: felonies and misdemeanors.

*Felonies* are those offenses which are punished by death or imprisonment in the penitentiary; *misdemeanors* are all other offenses. (R. S., Sec. 5191.) Misdemeanors are punished by fines or imprisonment in the county jail or both.

The first step in a criminal action is the *arrest* of the person believed to be guilty of the crime. This is done by an officer of the law who must have a written warrant from the court stating the name of the offender and the name of the crime which he is accused of having committed. One committing a crime in the presence of an officer can be arrested without a warrant. If an offender escapes to another State, the Governor of the State in which the crime was committed issues a *requisition* on the Governor of the State where the offender has gone, asking that he be surrendered or given over to the proper authorities. The offender is

called the *principal* and those assisting him before or after the crime are *accessories* and are liable to punishment. If the offense committed is a minor one the offender is tried at once before the proper courts in the county in which the crime was committed and the fine or imprisonment is made by the court having jurisdiction over the case. If it is an offense of greater importance the arrested person is given a hearing or examination before the Judge or Justice of the Peace, called a preliminary hearing, when witnesses are heard upon the charge or complaint unless the accused waives the examination. If there is not sufficient evidence to justify a criminal charge the prisoner is discharged. If there is sufficient evidence against him he is placed in the jail awaiting his trial, or given his liberty on *bail*; that is, some person guarantees a certain sum of money demanded by the court that the offender will appear in person in the court when the trial is to take place. Should the offender fail to appear and cannot be found, the amount of money guaranteed must be paid the State by those who pledged the amount. Excessive bail, in order to keep the prisoner in jail, cannot be required, (Const., Art. 1, Sec. 14.) In capital crime, which is punishable by death, bail cannot be given when the proof is evident or the presumption great. Every prisoner who may think that he is illegally held has the right of "habeas corpus," which permits him to have the legality of his imprisonment determined, (Const., Art. 1, Sec. 17.) All crimes, misdemeanors or offenses in this State are prosecuted either on an indictment or on information. (R. S., Sec. 5189.) Indictments come from accusations by the grand jury and information comes from the prosecuting attorney or the attorney who is acting for the legal district in which the crime was committed. The accused is brought before the court and the crime of which he is accused is read to him. He then enters a *plea* of guilty or not guilty. If he pleads guilty he is usually sentenced for the offense with-

out further action of law. If he pleads not guilty he is tried before a jury. If the prisoner is not able to pay an attorney to defend him, then the State grants him one at the expense of the county. The State has to prove that the prisoner is guilty beyond a reasonable doubt. The trial proceeds much the same as in civil cases. If the arrested party is pronounced not guilty by the jury he can never be tried again for the supposed offense. (Dec. R., Sec. 11.) If he is pronounced guilty he has an opportunity, through his attorney, to make a motion for a new trial on the ground of some supposed irregularity in the law. If the court refuses to grant a new trial the judge pronounces the sentence or punishment which he believes the law requires. The law in most cases gives the judge some discretion as to the exact punishment to be given. There is a maximum and a minimum punishment. It may be from five to twenty-five years, or five hundred to a thousand dollars, or it may be both imprisonment and fine. The Judge can decide whether the punishment will be the "utmost limit of the law," and he may exercise his judgment and give a light punishment, the lowest fixed by law.

There is one more chance for the accused in that he may appeal to the higher court on an error in the proceedings, which is an asking on appeal for an examination by the higher court of the proceedings in the case which he believes contain some irregularity and illegality of the law. The higher court, if the case is allowed to go there, reviews the case and either affirms or reverses the decisions of the lower court. The decision or judgment of the lower court, if affirmed, is put into execution and the offender pays the penalty as prescribed by law, and if reversed, the defendant is granted a new trial. Often the prisoner is tried in another county than the one in which the crime was committed, obtaining a change of *venue* or place of trial, because he believes, and so convinces the court by proof, that he cannot

obtain a fair trial in the county where the offense was supposed to have been committed.

The people elect the judge to decide the points of law and to administer justice, yet the jury system gives to the people much authority in the judicial department. A trial by jury can be waived by consent of both parties to the legal contest in civil cases. (R. S. Sec. 3659.) The Legislature can never deprive the citizens of the State of this inherent right of jury trial. It is a Constitutional provision. (Dec. R., Sec. 9.)

The necessity for good government and wise and careful administration of the laws as given to us by our Judges must not be overlooked. The Constitutional requirements for a Judgeship are safeguards. The selection of the individuals rests with the people. Wyoming has been singularly fortunate in the selection of her interpreters of the laws. Lynch law, force and violence are resorted to when a fear has grounded itself in the minds of the people that justice will not be speedily given to the offenders; that technicalities will exempt the offenders and the real law will not punish.\*

The law can be no better than a community. If the people of the State did not desire law and order our Statute books might be filled with ideal laws but they would be of no avail without the endorsement of the people. The people elect all the officers of the law and the officers, with their official acts, are an expression of those who put them into office. Law-abiding people make law-abiding officers. A knowledge of what the law requires is the duty of each citizen in order to make obedience of the law possible.

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\* We have two cases of recent date in our district courts where within seventeen hours from the time the crime was committed the criminal had his trial, received sentence and was on his way to the penitentiary. In another case, forty-eight hours only were allowed to elapse between the crime and a commencement of a fourteen years' sentence in the penitentiary.



### QUESTIONS.

1. Who are the members of the Supreme Court? Who is Chief Justice? How did he acquire his title?
2. Would it be better to have the Judges appointed rather than elected? Why?
3. Who are the District Judges? What is their term of office? Name the District Judges. Which one presides in your district?
4. What safeguards are there in the State Constitution for the rights of the accused person?
5. How is the petit jury chosen? May women serve as jurors?
6. Are there any women Justices of the Peace in this State?
7. Has the grand jury ever been called in your county? Why?
8. What is a civil case? A criminal case?
9. Why does the State act as plaintiff in criminal cases?
10. What does the term "law-abiding citizen" mean? How can they help in promoting good government?

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Visit a court when a trial is in progress.



## CHAPTER XVIII.

### ELECTIONS.

The people of Wyoming are the State and control it. They have made it what it is. They chose those who fill the offices of government. The kind of government given the State depends on the people who made the choice. If the selection is left to a few, then a few govern. At the polls there is absolute equality. The vote of the highest official in the State has no more force, power or authority than one cast by the humblest laborer. This is all that is meant when we say the will of the people is expressed in the ballot-box. If you fail to do your part in the government of affairs, some one else will do it for you. It is useless to enter a tirade against the politician after election. Reforms can never be accomplished through this method. The backbone of good government is the interest that the respectable and intelligent voter takes in the *nomination* of candidates. This can only be accomplished by attending the first meetings of the political party called to take steps toward an election. The missionary work in politics must commence at the *caucus* or primary. These primary elections resemble the town meeting where all of the legal voters are represented in person and have a voice. It is the only political meeting where all have a personal representation and where all can take part and exercise direct influence. When this meeting is ended the management of the election is in the hands of the committees and delegates chosen by the caucus, or primary. Political machines are a good thing, if managed by a proper class of men. They are equally demoralizing when controlled by corrupt politicians. A political *boss* is a political leader acting through strong organization and controlling the machinery of the government. He controls the nomination of candidates for office and dictates who shall fill the appointive offices. Nothing prevents him

and his followers from being present at the primaries. If the reformer would commence as early as his opponent in his organization for reform, the chances of success would be more than doubled. Complete and systematic organization is necessary for party success. Party action is also a necessity. It not only enables the politicians to formulate a definite policy which is to appeal to the voters, but acts in addition as a check on the similar organizations and detects irregularities and frauds.

The two reforms which insure an honest expression of the wishes of the people at the polls are the system of registration and the Australian ballot system. Registration prevents illegal voting. All persons who claim they have a right to vote at a coming election must register their names and addresses before a board appointed by the County Commissioners of the district in which they expect to vote. An alphabetical list is made of all of these persons registered, and in large precincts is posted publicly where it may receive inspection. This list is carefully examined by the leaders of both parties and plenty of time is given to check on the list and see if only those who are entitled to vote are registered. (R. S., Secs. 249-259.) This method prevents the same person from voting more than once, as he can only vote in the precinct where he is registered and when he has voted his name is checked on the list by the election officers.

The Australian ballot system is used in every State except five. This is called the secret ballot system and originated in Australia in 1857. Not only may the voting be secret, but it *must* be. Secrecy is compulsory, and any one showing his ballot after it is marked and before handing it to one of the judges of election is subject to imprisonment of six months in jail, or a fine of not exceeding five hundred dollars or both. (R. S., Sec. 318, divs. 15 and 22.) All the States do not have the same requirements for the qualification of voters. Only five of the States require

property qualifications. Connecticut, Massachusetts, Maine, Wyoming, Delaware and California require educational qualifications. The four States in the South, Mississippi, Alabama, South Carolina and Virginia, require the voter to read or understand any special section of the Constitution. Some States require a poll tax, Wyoming does not. (R. S., Sec. 387.) Utah and Idaho make religious qualifications. Polygamy, which is claimed to be a part of religion, is prohibited in these State Constitutions. Some few States require a property qualification, but this requirement is being abandoned. Every State makes residence in the State one of the requirements necessary for voting. Most of the States require residence of one year. Wyoming grants the right of suffrage to every citizen over twenty-one years of age who has been an actual resident of the State for one year and has lived in the county in which he wishes to vote at least sixty days just prior to the election and who is able to read the Constitution of the State. (R. S., Sec. 203.) The exceptions to this privilege are those who are of unsound mind, those who have been convicted of any felony and to whom the civil rights have not been restored by pardon, and also those who have made or become interested in any bet depending upon the results of the election. (R. S., Sec. 379.) Hence the election franchise is denied to minors, insane, criminals, illiterate and non-residents. Wyoming, Colorado, Idaho and Utah grant women the right of suffrage. Washington as a territory granted this right, but it was not included in the State Constitution. Colorado did not have universal suffrage in her first Constitution; it was adopted as an amendment. In Kansas the women have municipal suffrage. Iowa and Montana allow the women to vote on financial questions, and many States grant equal suffrage on educational questions. The first step toward an election is the call for a *primary* or first meeting of those who are interested in the success of a special political party. This call

is printed in the papers and signed by the officers of the political organization calling the meeting. At this meeting delegates are elected to attend a convention where nominations are made for the offices to be filled. If the election is to be for State officers, the convention contains delegates from all the counties of the State. If the nominations are for county offices the delegates meet in a county convention, and if the election is for city offices the several wards are represented by delegates in city convention. All of these nominations are made some time before the time of election of those who are to fill the positions. At these conventions, particularly State conventions, the delegates put in written form for publication a statement of what the politics of the party they represent stand for; setting forth its doctrines and making pledges to the people of the State, if the ticket containing their candidates is elected. This statement is called the *platform* of the party. The campaign is usually made on the issues as stated in the platform. The interval between the time of the nominations and the elections gives the opposing parties opportunity to appeal to the voter for his support. Not only are speeches made by the politicians, but literature is widely distributed containing arguments which are used to convince the public of the importance of the success of the party soliciting the votes. The County Commissioners appoint two registration agents for each elective district in which prior registration is required. Registration is required in all towns incorporated, and in elective districts located on a line of railway where at least one hundred votes were cast at the last election. (R. S., Sec. 249.) The other localities must register their voters on election day when application is made to vote. (Sec. 274.) If a voter who is required to register was detained by sickness or otherwise prevented from registering at the proper time before the election he is allowed to vote upon filing an affidavit with the judges of election, supported by two wit-



nesses, that he was unable to register as required by law. (Sec. 327.) A printed list is made of all the regularly registered voters and posted for inspection and correction. This list is kept by the judges of election and from this they judge whether the applicants to vote are legally entitled to that right. Each precinct has a place where all of the residents of that locality vote. This is called the *polling place* or election booths. There are as many of these places as are necessary and convenient for the voters. At this place are three judges who are appointed by the County Commissioners, not more than two of whom can be of the same political party. These judges select two clerks who assist them during the election and in the counting of the ballots. Election officers have much to do with the successful independent voting, and their integrity and honesty should be above suspicion. Candidates may be nominated for office outside of the conventions. This method requires the signatures of at least 100 voters if the office which the candidates seek is to be filled by the entire vote of the State, or by twenty-five when it is a county office. All nominations made for office for proposed constitutional amendments and questions submitted to popular vote must be certified to by the officers of the conventions and filed with the proper authorities; nominations for State offices must be filed with the Secretary of State, and for county offices, including members of the Legislature, with the county clerks.

The general election in the State is held on the Tuesday after the first Monday in November in the even numbered years. Every four years after 1900 at the general election there will be elected the presidential electors to which the State may be entitled. (Sec. 196.) The State officers, including the Governor, Secretary of State, Auditor, Treasurer, State Superintendent of Public Instruction, are elected every four years after the year nineteen hundred and two. If a vacancy occurs in any State office within two years



after the office was filled, an election takes place to fill the office at the time of the general election, held when the Presidential electors are elected. (Sec. 195.) Justices of the Supreme Court and District Judges are elected at either general election which precedes the expiration of their respective terms. (Secs. 200, 201.) At each general election, every two years, the following county and precinct officers are elected by the votes in their respective counties and precincts: The Clerk, Commissioners, Surveyor, Sheriff, Treasurer, Prosecuting Attorney, Superintendent of Schools, Coroner, and in counties of the first class Clerks of the District Court, Justices of the Peace, and Constables. (Sec. 202.) There are also elected at each general election a Representative to Congress and members of our State Legislature from each county. (Sec. 195.) In some of the cities of the State which were incorporated under a special charter, the election of Mayor and Councilmen takes place at the same time as the general election. The term of the Mayor and Councilmen is for two years, hence the municipal election is held at every general election. There are thus elections when the electors of the State vote for national, State, county and municipal candidates. On election day, when the voter presents himself at the polling place of his precinct, he is given an official ballot printed on white paper. This is handed to him by one of the judges of election, the official stamp appearing on the back of the ballot. This ballot is taken to the booth or stall: there the voter designates on the ballot by a cross(X) the candidates he wishes to be elected. These ballots contain a list of all of the nominated candidates for all of the offices and also the proposed Constitutional amendments or public questions. All of the political parties casting 10 per cent of the votes in the State at either of the last two general elections are entitled to a separate column on this ballot in which to place their party nominations. The columns are

headed with the party name, as "Republican" or "Democrat." If one wishes to vote a straight party ticket he places his "cross mark" or an X in a small square below the party name at the head of the ticket. If he wishes to vote for his party ticket, with a few exceptions, he places the cross as before and erases the name of each candidate for whom he does not wish to vote. If he desires to vote for candidates of some other party for these offices so erased, he places a cross to the right of the names in the other column, or other political party. This is called a "scratched ticket." If he wishes to vote for some one not named by any of the parties, he may place in writing for the name he erases another name. There is nothing to prevent a voter from writing on his ballot the name of any person for whom he desires to vote for any office. (Sec. 289, Div. 10, Sec. 321.) No one is permitted to assist the voter in preparing his ballot, unless physically unable to write. In that case two of the election judges may do the marking in accordance with the voter's directions. (Sec. 328.) The Constitutional amendments are voted upon by the words "yes" or "no" being placed after the proposed amendment. The elector may take a sample ballot into the voting booth with him to assist him in marking his ballot, but the same must be marked "sample ballot" and be printed on red, green or blue paper.

The elector folds his ballot so that the stamp of the judge which was placed on the back can be seen by the judges when it is placed in the locked ballot-box. Thus the ballot is cast and the vote has been made. This is the Australian ballot system. No one can dictate how the ballot shall be marked and know that his dictations are carried out. No one can buy a vote and be sure that the elector voted as he promised. Without this system ballots could be prepared by men who are interested in the election of certain individuals and placed in the hands of the electors, to be dropped in the ballot-box without the slight-

est knowledge on the part of the voter for whom the votes were being cast. The secret ballot system robs the political machinery of its monopoly and avoids the dictation of the employer to the employed. With the Australian system every candidate has an equal chance, coercion ceases and the ballot is in reality a "free and honest expression of the convictions of every citizen."

### QUESTIONS.

1. What is the Australian Ballot system? What are its advantages?
2. Is fraud prevented by registration?
3. What are the qualifications for an elector?
4. What is a primary? A State convention?
5. What is a ballot?
6. Were any State elections ever held by voting by voice rather than by ballot?
7. What is the object in having the official ballot white and the sample ballots colored?
8. May an election be held in a saloon?
9. Define a general election.
10. What are the duties of a Presidential elector? How many times have they been elected in this State?
11. Who votes for State officers? For County officers? For members of the Legislature?
12. Give a list of County officers and name those who occupy the positions in your county.
13. What is the difference between a majority and a plurality?
14. Does a government of the minority exist in the State? Why?
15. Is an educational qualification for voters better than a property one?
16. State a reason why aliens should not vote?

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## CHAPTER XIX.

### EDUCATION AND SCHOOL LAWS.

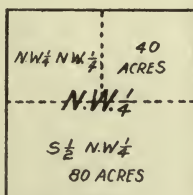
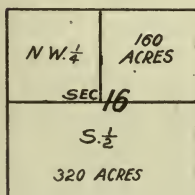
Free education in Wyoming extends from the kindergarten to the university; from the age when blocks and bright colors hold the attention of the little one to the age when cap and gown and diploma announce that college education is completed. The course of instruction given by the State covers a continuous period. No private instruction is required to take the successive steps from primary room, through the grades, the high school and the university. The schools are sustained and supported at the expense of the State and the National government. The source of revenue is derived by taxation and by rents and sale of the school lands. The tax is paid by the people of the State and the lands were a donation from the government.

The basis of our endowment for our public schools dates back to 1785, when a provision was made for surveying and dividing the public lands into townships or tracts of land six miles square, each containing thirty-six sections one mile square. Section sixteen in each township was given to the States for common school purposes. In 1848 this gift was extended so as to include section thirty-six. All of the States admitted to the Union since 1802 have received this gift of sections sixteen and thirty-six for school purposes. Surveys to locate boundaries of States and counties in States before the Ordinance of 1785 were made in a most irregular way, sometimes following streams, where when the channel changed the boundary line, the line would be in question, or by blazing trees, which when destroyed removed the definite location of the division line. This "rectangular system" of surveys has removed the uncertainty of the boundary lines between the States and between private parties. All public lands are surveyed and sold by this system. Streams, county roads and farms are located by township



lines. Each section contains 640 acres, hence out of each township 1,280 acres are set aside for the common school system of the State in which the township is located. A further division is made of each section which is subdivided into halves and quarters.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	<del>16</del>	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	<del>36</del>



A quarter section of land contains 160 acres and this is the legal subdivision of land by which homestead claims are filed upon by the settler when he wishes to obtain land from

the government.\* When Wyoming became a State she disclaimed forever any right or title to the unappropriated public land within her boundaries. (Const. Ord., Sec. 3.) Any title that the State may have to land comes through the government, which has been generous in its endowments of acres to be used for State purposes. By Constitutional limitations the minimum price at which this State land can be sold is ten dollars per acre. This is a wise provision, for the sales of the public school lands donated to the older States were badly mismanaged and sold in some States at so low a price as to amount to almost nothing. The common school lands in Wyoming embrace 3,457,999 acres. About two-thirds of this school land is leased or rented. All of the school land could be rented if it were of a desirable kind; but much of it is mountainous and unfit for grazing or agricultural purposes. The average rent per year for this land is about five cents per acre. The school lands rented amounted in 1903 to \$68,133. The money derived from the sale of the school lands cannot be spent, but must be safely invested as a permanent endowment fund, the income or interest from which is applied to the common school purposes. In addition to this land gift in the State, the government also gives for the support of the common schools five per cent of the proceeds of the sales made by the United States of public lands lying within the State. In 1881 Congress granted Wyoming seventy-two sections or 46,091 acres of land to be used for university purposes. When the territory became a State the provision was made that this land also could not be sold for less than ten dollars per acre, and the proceeds of the sale must constitute a permanent fund, to be safely invested. By the Act of Admission of the State of Wyoming 90,000 acres of land were granted for the use and support of an Agricultural College. The pro-

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\*The land is sold to the settler in the U. S. Land Offices which are located at Cheyenne, Evanston, Douglas, Lander, Buffalo and Sundance.

visions for the use and disposal of this land are the same as the common school land.

In addition to these land donations the State has received the following from the government for the establishment and maintenance of the

Insane Asylum .....	30,000	acres
Penitentiary, Albany and Carbon		
County .....	60,000	"
Fish Hatchery .....	5,000	"
Deaf, Dumb and Blind Asylum.	30,000	"
Poor Farm .....	10,000	"
Hospital for Miners .....	30,000	"
State, Charitable, Educational,		
Penal and Reformatory Insti-		
tutions .....	260,000	"

(Act. Ad., Sec. 11.)

Thirty thousand acres from the 260,000 have been set aside by the Legislature for the use of the Soldiers and Sailors' Home and fifteen thousand acres for the Miscellaneous State Library. (R. S., Secs. 695, 478.) By an act of Congress, passed July 2, 1862, each State was given 30,000 acres of land for each Senator and Representative to which it was entitled by the apportionment in Congress in 1860. This is the famous Morrill or Agricultural College Act from which the State has received benefit since 1890. This was the greatest grant ever given for the cause of education. The land allotted to all of the States under this act amounted to 10,110,852 acres. The civil war was in progress when the law was passed and provision was made for instruction in military science in all agricultural colleges to be established under its provision. It is for this reason that military science and tactics are taught at our own State University; the College of Agriculture is a "land grant" college and one of the departments of the University. We have never sold any of our 90,000 acres acquired under this

act, but derive an annual revenue from the interest which accrues from the investment of the money which was obtained by leasing the land. Hon. Justin S. Morrill again introduced a bill for agricultural purposes which became an act August 30, 1890. This act gives each agricultural and mechanical college established under the provisions of the act of 1862 an additional endowment of \$25,000 annually. Some estimate of the value of this Federal gift to the States can be realized by the statement that 50,026 men and women have graduated from "land grant" colleges and 46,699 are now taking advantage of education as given under the "Morrill Act."

For purposes of research work in agriculture and allied sciences most of the agricultural colleges receive further assistance through the Act of Congress of March 2, 1887, known as the "Hatch Act." This gives an annual endowment of \$15,000 each year to be used for work and investigation in the experiment stations. An Experiment Station department was established at our State University in 1891 and experiments are being carried on with a view of aiding and developing agriculture, stock raising and the related industries of the State. The results of these experiments are published as bulletins and are distributed to the residents of the State and those interested in these subjects.

This State is divided into *School Districts*. Each district is controlled by a board of trustees or directors, members of which live in the district where the schools are located. In districts containing less than one thousand inhabitants three trustees compose the governing board; districts having more than one thousand inhabitants have six trustees. Their term of office is for three years and they receive no compensation. (R. S., Secs. 525, 526.) In the management of school affairs the citizens exercise the right of direct legislation. All questions of money to be raised by a special tax; questions of expenditures, improvements and

buildings and the number of schools to be maintained are voted upon by the people of the district at the annual school election held the first Monday in May when the election of trustees takes place. (Sec. 531.) The qualified voters of any district are responsible for the condition of their public schools, because they have it in their power to directly regulate the amount of money to be used in the district for educational purposes, and elect by direct vote those who are to carry out their expressed wishes. Each county has a *county superintendent of schools* who serves for a term of two years and is elected by the people of the respective counties. The salary varies from nine hundred to five hundred dollars a year. (The amount being regulated by the population and valuation of the school district.) The first school taught in Wyoming was at Fort Laramie in 1852. Post Chaplain Richard Vaux conducted a post school, composed of the children of the officers of the military post.

No teacher in the public school is eligible to the office of county superintendent. (Sec. 1190.) Annually the county superintendent sends to the State Superintendent of public Instruction a written report of the condition of the schools in his county, which is compiled from the reports sent to his office by the several school district clerks. (Sec. 1192.) The county superintendent divides the county into school districts and may change or alter the boundaries of those now formed when so petitioned by two-thirds of the legal voters of the district. (Sec. 1195.) In December of each year he apportions the county school tax and all money in the hands of the county treasurer to the schools in his district and divides monies that have been apportioned and distributed to his county by the State Superintendent for school purposes. This apportionment is made in accordance with the number of pupils in attendance at the schools in his district. (Sec. 1194.) No portion of money received from the State Superintendent can be given by the county super-



intendent to any district which has not maintained a school at least three months of the year. (S. L. 1903, Ch. 91, Sec. 6.) County superintendents annually conduct a county institute for teachers and hold examinations twice a year for applicants who wish to teach. Each applicant is examined in spelling, reading, penmanship, arithmetic, grammar, geography, civil government, history and constitution of the United States, the constitution of Wyoming, physiology, hygiene, the theory and practice of teaching. An average grade of eighty-five per cent or over entitles the applicant to a second-grade certificate, which enables the holder to teach for two years without an additional examination. A third grade certificate is granted to those receiving an average between eighty-five per cent and seventy per cent. This entitles the holder to teach one year without further examination. First grade certificates do not require an examination for four years. In addition to the requirements for a second grade certificate, examinations for a first grade certificate must be taken in rhetoric, algebra, physical geography, plane geometry, English literature, political economy, and any two of the following branches: botany, zoölogy, natural philosophy, biology, chemistry, psychology and book-keeping. (S. L. 1901, Ch. 57; S. L. 1903, Ch. 90, Sec. 1.) A State or professional certificate, which is granted upon examination by the State Board of Examiners, entitles one to teach six years without examination. This board prepares questions for the use of the county superintendents. It is composed of three members appointed by the State Superintendent, and the selection is made from the principals of the high schools, city and county superintendents and the faculty of the State University.

Graduates from our State university are exempt from taking a teacher's examination, also those teachers who have had a professional training in a high grade normal school and who have successfully taught. (S. L. 1901, Ch. 57.)

The State Superintendent of Public Instruction has general supervision of all of the district schools of the State. He has authority to make all necessary rules and regulations to carry out the State school laws. (R. S., Sec. 91.) Once a year he distributes to the county superintendents for the use of the public schools all the money in the State treasury to the credit of the school income fund. This money includes the five per cent sales of the public lands by the United States and the rents of the unsold school lands. The money is apportioned in the same manner as the county tax, which is distributed to each school district *pro rata* to the number of school children of school age in the district. (Sec. 93.) The State Superintendent of Public Instruction is a member *ex-officio* of the trustees of the State University. (Sec. 488.) He is also a member of the State Board of School Land Commissioners, of the Public Land Commissioners for the selection of State lands and of the Board of Charities and Reforms. (See State Officers.)

Free kindergartens for the instruction of children from four to six years of age are a part of our public school system. The cost of maintaining these schools is paid from the special school fund of the district having the kindergarten, and the sum so expended is annually determined by the electors of the district at their annual meeting. (Sec. 593.) The county superintendent and the district school board or directors determine whether a high school shall be established in the district. The teachers at the county institute may determine the studies to be pursued and the State Superintendent has power to carry into effect the courses of study so determined. (Sec. 551.) The high schools of the State prepare students to enter the freshman class of the State University without examinations. Until more high schools are established in the State, the University will be obliged to maintain three preparatory years, the first of which admits pupils who have graduated

from the eighth grade of our public schools. The University finishes the system of public schools in our State.

The University\* with its several departments was established in 1886 and received students in the fall of 1887. The State Normal School, the College of Liberal Arts, the School of Mines, the Agricultural and Mechanical College, the Business College and the School of Music, are a part of the University. All of the institutions of higher learning are centered in one locality and each is part of the University.

There are no denominational colleges in the State.

All educational institutions supported wholly or in part by the State, above the second grade, must give instruction in physiology and hygiene with special reference to the effects of alcohol and narcotics upon the human system. (Sec. 612.) The humane treatment of animals must also be taught and the instruction must consist of not less than two lessons of ten minutes each per week. (S. L. 1901, Ch. 8.) That no one may be denied the privilege of a common school education on account of expenses attached to the purchase of school supplies, free text-books are furnished to all public school pupils by the school boards. (S. L. 1901, Ch. 38.)

Provision has been made by which the birds and their nests and eggs are protected. A fine of five dollars or imprisonment for ten days, or both, may be imposed upon any one killing or catching birds, other than game birds, or taking or destroying their nests or eggs. The State Superintendent of Public Instruction may issue a certificate which will permit the holder to collect birds, nests, or eggs for scientific purposes. (S. L. 1901, Ch. 37.)

The legal holidays of the State, when schools are not in session, are January first, New Year's Day; February twelfth, Lincoln's Birthday; February twenty-second, Washington's Birthday; thirtieth of May, Decoration Day; Fourth

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\*Charles Willard Lewis, M. S., D. D., President.

of July; Thanksgiving Day; twenty-fifth of December, Christmas; days on which our general elections are held and Arbor Day. The date for Thanksgiving Day is designated by the President of the United States. It is usually the last Thursday in November. The exact date for Arbor Day is made by the Governor, always in the spring, in time to plant trees.\* (S. L. 1901, Ch. 93.)

As a stimulus to patriotism the law requires that the trustees in each school district shall cause the American flag to be placed on the schoolhouse of their district and remain there each day while school is in session. (S. L., 1903, Ch. 83.)

### QUESTIONS.

1. What is the Public School system?
2. Explain how the school acquired title to Sections 16 and 36 of each Township.
3. Draw a diagram of a Township, locate the School Sections and the southeast quarter of the southwest quarter of Section 8.
4. How many acres of land are there in the southwest quarter of the southeast quarter of Section 16?
5. What is the lowest price at which school land can be sold?
6. Name the State institutions that received land grants from the Government.
7. Explain how revenue for the Agricultural Colleges and Experiment Stations is obtained.
8. What is a School District?
9. Who elects School Directors? Who elects the County Superintendent? The State Superintendent of Public Instruction?
10. What are the duties of each of these officers?
11. Of what use is a teacher's certificate?
12. Who are exempt from teachers' examinations?
13. What is a kindergarten? A graded school? A high school? A university?
14. What are the public schools of the State required to teach?

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\*The State Superintendent of Public Instruction has recommended to the teachers of this State that the Arbor Day exercises be combined with a program for Bird Day.

15. Name the legal holidays in this State. How long has the State observed Lincoln's Birthday?

16. State the regulations in regard to the protection of birds of the State. How could you be allowed to make a collection for the schools?

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## CHAPTER XX.

### IRRIGATION AND FOREST RESERVES.

“ In the arid West water is gold.” For her superior laws regulating the use of water, Wyoming has been called the law-giver of the arid region. Our State Supreme Court has never acted upon but few water cases. This must not be taken to indicate that there are no conditions existing in the State where litigation over water might arise, but that the water laws are so wisely constructed that the appropriators of water know what their rights are and thus avoid endless lawsuits. That this condition of affairs exists in our State where over nine thousand people have water rights and take water from more than six hundred streams, speaks well for the Constitution-makers and law-builders, as well as for the owners of the ditches. The Declaration of Rights in our State Constitution, Sec. 31, recognizes the importance of the question of water in an arid region, and places absolute control of the waters with the State. The waters from all of the natural streams, springs, lakes and collections of still water within the borders of the State are State property, and are controlled by a board which supervises the appropriation, distribution and division of these waters. The board consists of the State Engineer and his four division superintendents, all of whom are appointed by the Governor with the consent of the Senate. The board acts as a court and has original jurisdiction in water right controversies. The State Engineer, whose office is in the Capitol Building, keeps a record of all appropriations of water. Priority of appropriation for beneficial uses gives the best title to water, but actual *use* of the water so appropriated must be shown before an appropriator’s title can be recognized. Those who first utilize the waters of a stream for useful purposes are the prior appropriators. The water is conveyed through ditches that connect the streams with

the land which is to be reclaimed or irrigated. Prior right dates from the time when construction commenced on these ditches. If due diligence is not shown in making these ditches, the right commences with the time when water was actually conveyed through the ditch to be used on the land. The State Engineer keeps a record of all the ditches and their capacity for carrying water. Each stream is gauged, and the amount of water flowing through its channel is carefully measured. The amount of land that can be irrigated by these waters is also estimated. These records give the information by which a just division of water can be made by the Engineer to the land owners of the State. The law requires the State Engineer to make and keep in his office a map showing the course of each stream gauged, the location of each canal and ditch and the legal subdivisions of land which have been irrigated. (R. S., Sec. 871.) The amount of water allowed to each appropriator is one cubic foot per second of time for each seventy acres of land for which the appropriation is made. In order to establish a legal claim to a ditch and to obtain a right to use water from a stream, application for this privilege must be filed with the State Engineer, who grants a permit. Sometimes all of the water of a stream is appropriated and to allow further use of it would injure rights previously granted. In this case the Engineer can reject the application and refuse to permit further use of the water from the stream. Appeals from the decisions of the Engineer can be taken to the State Board of Control and from this board to the district courts. To use water from a stream in Wyoming without a permit from the Engineer is a misdemeanor. (R. S., Sec. 971.) A title to water is given to the lawful appropriator and he becomes a partner with the State as part owner of the stream from which he has taken the water. When all of the requirements of the law are fulfilled, the State Board of Control issues a certificate and gives the

applicant a right which cannot be taken from him except by failure on his part to keep his canals and ditches in repair and failure to use the water for two successive years.

Our last Legislature passed an act (S. L. 1903, Ch. 69) authorizing persons or corporations to construct reservoirs for the storage of the unappropriated waters of the State, to be used for beneficial purposes. Applications and permits for this work must be approved by the State Engineer in the same manner as the water applications.

The most important provisions of the irrigation laws of Wyoming stipulate that water belongs to the land irrigated and not to the ditch or individual; that there must be a central office of record where all information concerning the flow of streams and the area of the land irrigated by each, can be obtained; that claims of water are to be settled before complications arise, the State taking the initiative; and that all claimants are represented in the process of acquiring their title.

The United States Government under the Desert Land Act gives 320 acres of land to any one who will irrigate the land and pay \$1.25 per acre. Originally a person could file on an entire section, or 640 acres, but during recent years this amount has been reduced, and if a settler has a homestead of 160 acres he can only file on and purchase 160 acres of desert land. Thousands of acres of desert land in Wyoming have been acquired through this act. The title to land comes from the government. The title to water comes from the State. The patent to the land comes from the United States; the patent to the water comes from Wyoming.

Congress in 1894 passed an act commonly known as the Carey Act, which donated to each of the States in the arid region one million acres of land for actual settlers. The provision attached to the gift was that the land should be irrigated, reclaimed and settled by actual settlers in

small tracts. The selection and management and disposal of this desert land in Wyoming is vested in the State Board of Land Commissioners. The ditches built for use in reclaiming are not built by the State, but by irrigation companies who agree to sell them to the settlers at a reasonable price. Wyoming was the first State to accept the provisions of this act, and at the present time has 800,000 acres segregated for this purpose. Title to this land after being reclaimed passes to the State and then to the settler, who pays fifty cents an acre for the land. In 1902 Congress passed another act appropriating the receipts from the sale of public land in thirteen States and territories for the construction of irrigation works to reclaim the arid lands in these States. This money is to be spent in surveying, constructing and maintaining works which are to be used for the storage of waters for irrigation and for the construction of canals to carry the water to the lands. Surveys for three large reservoirs have been made by the Government in this State. It is contemplated to establish the largest reservoir in Natrona County, located on the Platte River near the mouth of the Sweetwater. It will have a capacity of about one million acre feet of water. An acre foot of water is enough water to cover an acre of ground one foot deep. If this reservoir is built, it will be the largest in the world, and will have a capacity of 137,000 more acre feet than the famous Assuan reservoir in Egypt, and this is the largest that has ever been constructed. The second survey has been made in Johnson County, and it is contemplated to use Lake DeSmet as a reservoir and the waters from Piney Creek. The third proposed location is in Big Horn County, and will utilize the water from the Shoshone River. Lands in the arid region are practically useless without water. The value of land depends upon the question of the water



supply. Irrigated lands in Wyoming sell on an average for from twenty to fifty dollars an acre.\*

**Forest Reserves.**—"The forest and water problems are perhaps the most vital internal questions of the United States." The Government has recognized the importance of this question and has set aside lands in the United States amounting to over 63,000,000 acres to be used as forest reserves. Formerly there was a provision by which 160 acres of government land could be purchased under what was known as the Timber Act. This law was repealed in 1891 and provision was made for the Federal Forest Reserves. In Wyoming there are three large tracts reserved for this purpose: the Big Horn of 1,216,960 acres, the Medicine Bow with 420,584 acres and the Yellowstone, containing 7,017,600 acres. These lands are under the control of the National Government and are regulated by three of its departments. The Department of the Interior, through the General Land Office, has general supervision over and regulation of these reserves. The Geological Department surveys the land and does the topographical work locating the streams and roads and calculates the amount of timber, which has been burned or can be safely used for commercial purposes. The Department of Agriculture, through the Bureau of Forestry, makes a technical investigation as to the character and distribution of the trees, and makes recommendations as to the best methods for preserving the forests. The objects of reserving these lands are two-fold: first, to furnish timber; second, to regulate the flow of water which fills our streams. Forests act as wind-breaks and also as a shade to the ground, and thus prevent

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\*The Wyoming Development Company, managed by private individuals, has the largest reservoir in the State and one of the largest in the world. It takes the water from the Laramie river and irrigates about 60,000 acres.

The Secretary of the Interior has allotted \$1,000,000.00 for the construction of a reservoir to be known as the Pathfinder, to be located about forty miles southwest of Casper, for the utilization of the waters of the North Platte river. The sum of \$2,250,000.00 has also been set aside for the Shoshone project.



the snow from rapidly melting and the water from evaporating. The snows on our mountains are the source of water supply, and it is essential that this moisture be gradually distributed into the streams. The trees protect the earth from being washed away by the suddenly melting snow or heavy rains. Forests serve the purpose of reservoirs, storing waters during the time of abundant moisture, when the largest part of the water would otherwise run to waste. The vital importance of the question of the water supply, particularly in the arid and semi-arid regions has justified the National Government in assuming control of the headwaters of some of the streams which are generally to be found in the forests. The dead leaves and limbs and fallen trees protect the snow from the hot sun and make its melting gradual. This gives an even distribution through the season of the water for the land below the mountain region where the streams originate, thus preventing floods at one time and drouth when water is most needed.

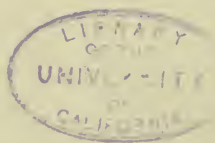
### QUESTIONS.

1. Why are the water and land so closely related?
2. What is water litigation?
3. Who owns the waters in Wyoming?
4. Describe the process of acquiring title to land and water.
5. What are the duties of the State Engineer? The State Board of Control?
6. What is prior appropriation?
7. What is desert land? Irrigation?
8. In what way is the National Government interested in the desert land of Wyoming?
9. What is meant by the "reclamation of the arid region"?
10. Is the United States interested in any reservoirs in Wyoming?
11. What is a National Forest Reserve?
12. Describe the relation of forests to irrigation.



**NORTH PINEY LAKE.**

(Showing the source of the water supply for irrigation, the perpetual snow, the forests and the Mountain Lake.)



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## CHAPTER XXI.

### GOVERNMENT IN THE DISTRICT, TOWN, CITY, COUNTY AND STATE.

The general laws governing a school district, town, city, county and State are made by the Legislature. In this way uniform laws are obtained for all localities of the State. If one school district has free text-books, it is safe to conclude that all of the schools have the free text-book system, because the laws governing one locality govern all others. The salaries of all county superintendents and city officers are regulated by a State law; the several duties of the officers are designated by legislative acts; the limitation of officers' responsibilities is regulated by a general law; the number of county officers and school trustees and the powers of the mayor are all governed by legislative enactment.

The State makes the laws, but designates who shall execute them. The duty falls upon the officers who occupy the positions created by the general laws.

#### 1. THE SCHOOL DISTRICT. (*See Education.*)

#### 2. THE TOWN.

A locality containing not less than one hundred and fifty people may be incorporated as a *town* when application is made by a majority of the electors in the district proposed to be incorporated, (R. S., Sec. 1521.) The application is made to the county commissioners, who appoint three persons whose duty it is to call a special election of the people of the location to vote upon the question of incorporation. These inspectors act as judges of the election on this question as well as in the election of officers for the town. The municipal officers of a town elected by the people are a mayor, who is elected for one year, and four councilmen, who hold office for two years. The mayor appoints a



marshal, who is ex-officio fire warden and street commissioner, one clerk, who is ex-officio assessor and treasurer. These appointments are for one year.

### 3. *THE CITY.*

**Cities** are divided into two classes, according to the population. The mayor for both classes of cities is elected for two years at the general election. The cities are divided into at least three wards. In second class cities there are three wards, and the councilmen are elected for a period of four years. Cities incorporated under a special charter and having ten thousand inhabitants elect the councilmen for three years. (S. L. 1901, Ch. 69.) The mayor receives a salary of two hundred dollars a year, the councilmen each fifty dollars. (R. S., Sec. 1674.) Cities of the first class may have more than three wards, with two or three councilmen from each ward, as the council may determine. If there are two elected from each ward, they serve for two years each; if three, they serve for three years each. The salaries of the mayor and councilmen of the second class cities are fixed by ordinance of the last council meeting prior to the beginning of their respective terms. The mayor's salary cannot exceed five hundred dollars a year, and the councilmen are paid according to the number of meetings attended. (R. S., Sec. 1603.)

Before a general law was enacted regulating the establishment of cities, special charters were granted by the Legislature to Cheyenne, Laramie, Buffalo, Sheridan and Rawlins. The laws governing these cities, while alike in general construction, have special regulations made for each locality and do not come under the general law of the classified cities. They all were incorporated during the territorial days; laws governing cities of the first and second class have been enacted since Wyoming became a State. The mayor, by and with the consent of the council, appoints a

city clerk, attorney, chief of the fire department, city marshal and such police as the council may authorize. Their term of office corresponds with that of the mayor. (R. S., Sec. 1600.) Police justices are also appointed by the mayor by the consent of the council. These, under the general law governing cities, must be duly elected justices of the peace for the precinct embraced in said city or town. If the city is incorporated under a special charter, the police justice need not be a Justice of the Peace. (S. L. 1901, Ch. 101; 1903, Ch. 21.) These police justices have jurisdiction over the municipal courts for the trial of offenses arising under the ordinances of the city or town. Appeals from the decisions of this court can be taken to the district court in all cases. (S. L. 1903, Ch. 101, Sec. 4.)

The cities described are corporations, and as such have power to sue or be sued; to purchase and hold real and personal property for the use of the city; to sell and convey any real or personal estate owned by the city; to make contracts for the city; to incur the indebtedness as may be necessary. The granted powers are exercised by the mayor and the council. (R. S., Sec. 1595.) These officers hold regular council meetings at such times as are fixed by the ordinance. The mayor presides at all of these meetings and has superintending control of all of the officers and affairs of the city and acts as the executive in relation to the ordinance of the city. He has the power to veto any ordinance, resolution or by-law passed by the council, but a two-thirds' vote of the members of the council may be passed over the veto. In case of the death or removal of the mayor, the president of the council is the acting mayor.

**The City Clerk** has in his care all of the city laws and ordinances; he keeps a record of the proceedings of the council and the amounts paid out of the city funds.

**The Treasurer** is the custodian of the money belonging to the city. He pays all bills against the corporation by warrants and collects the city taxes.

**The Attorney** is the legal adviser of the council and the city officers. He prosecutes and defends all suits on behalf of the city, and gives his opinion at the council meetings when required, upon any matter submitted to him.

**The Engineer** makes the surveys necessary for sewers, water works, grades, bridges and improvements of the streets. He makes the estimates for the city for any proposed building or city improvement.

**The Marshal** has supervision of the police and with them has the power to arrest all offenders against the laws of the State or city and to keep them in the city prison until a trial or examination may be made before the proper officer. He has the same power as sheriffs and constables in relation to all criminal matters in his jurisdiction.

Cities by their mayor or council have power by ordinance to levy taxes for general revenue purposes on all property within the limits of the city; to provide for the grading and repairing of streets and alleys and construction of bridges, culverts and sewers; to improve, locate and name any street, avenue or park; to repair sidewalks and to collect a license tax on dogs; to prevent and punish horse racing or fast driving on the streets; to contract with companies for municipal lighting of the streets; to regulate the crossing of railway tracks; to establish public libraries; to borrow money on the credit of the city; to provide for issuing bonds for the purpose of funding any city indebtedness; to remove city officers for misconduct; to make the census of the city; to establish a system of water works; to provide for the organization and support of a fire-department; to establish standard weights and measurements; to license, restrain or regulate the selling or giving away

of intoxicating liquors; to prohibit or restrain games of chance, opium dens and other disorderly houses; to prevent riots and disturbances in the streets; to regulate the discharge of fire-arms, rockets or fire-works and the transportation and storage of explosive articles; to provide for the punishment of thieves, tramps and common beggars; to license churches, opera houses and places of amusement; to provide for fire protection; to prohibit the running at large of cattle, horses and other animals; to make regulation to prevent the introduction of contagious diseases and to create a board of health to make quarantine laws for this purpose; to create and establish hospitals, poor-houses and jails; to secure the general health of the city; to keep in order slaughter houses, stock yards and stables; to purchase a city cemetery and sell lots in same; to make all such ordinances, by-laws, rules and regulations not inconsistent with the laws of the State as may be necessary for good government. (R. S., Sec. 1637.) In order that the public may know what the officers of the city are doing, the law requires that all councils in incorporated cities shall publish in the newspaper proceedings of their meetings, stating what ordinances were passed and all bills allowed, the amount, for what purpose, and by whom presented. (S. L. 1903, Ch. 51.)

#### 4. *THE COUNTY.*

The county and precinct officers are elected by the people of their respective counties and hold office for two years. The election takes place at the time of the general election. These officers are the clerk, commissioners, surveyor, sheriff, treasurer, county and prosecuting attorney, superintendent of schools, coroner, constables and a clerk of the district court for each county. When a county has an assessed valuation of less than five million dollars, the county clerk acts as ex-officio clerk of the district court without extra compensation. (R. S., Sec. 202.)



There are thirteen counties in Wyoming, with the county seats as follows :

COUNTY	COUNTY SEAT
Albany .....	Laramie
Big Horn .....	Basin City
Carbon .....	Rawlins
Converse .....	Douglas
Crook .....	Sundance
Fremont .....	Lander
Johnson .....	Buffalo
Laramie .....	Cheyenne
Natrona .....	Casper
Sheridan .....	Sheridan
Sweetwater .....	Green River
Uinta .....	Evanston
Weston .....	Newcastle

Counties are formed in much the same manner as are towns and cities. In this case, however, the petition is filed with the Governor to appoint three commissioners to conduct the election. (R. S., Sec. 1003.) No county can be organized unless it contains within its limits property of the valuation of two million dollars and not then unless the remaining portion of the county from which the new one is to be created contains at least three million dollars. New counties to be organized must contain at least one thousand five hundred bona fide inhabitants, and no county can be divided unless a majority of the qualified voters of the area to be separated votes in favor of the division. (Const., Art. XII, Sec. 2.)

At the time of the election of the county officers the members of the Legislature are elected from each county. Each county is a legislative district.

Any vacancy occurring in a county or precinct office is filled by the county commissioners. This rule does not apply to a member of the Legislature, whose place must be filled at an election by the electors of the county.



The clerk, sheriff and treasurer are provided with offices at the court-house situated at the county seat of their county, and all books and records required for their offices are open for examination by any person. The other county officers reside at the county seat, but no special provision is made for their offices. (R. S., Sec. 1222.) All county officers serve for a term of two years, except the commissioners, two of whom are elected for two years and one for four years. The term of office commences on the first Monday in January of the odd-numbered years.

**The County Clerk** acts as the secretary to the commissioners and keeps the seal, records and papers of the board. He keeps a record of licenses issued by his office and also of all deeds, mortgages, bonds, maps and instruments authorized by law to be so recorded. The abstract books in which are recorded transfers and mortgages of real property, and abstract entries of land describing the legal subdivisions of the location according to the United States surveys are kept in his office. (R. S., Secs. 1145, 1146, 1148-1153.) He issues warrants on the county treasurer. These warrants are signed by the chairman of the board of county commissioners, countersigned by the treasurer and attested by the clerk's seal. The salary varies from eighteen to twelve hundred dollars a year according to the class of the county—first, second, third or fourth class.

**The County Commissioners**, consisting of three members, meet at the county seats of their respective counties on the first Tuesday of each month. (S. L. 1903, Ch. 11.) The powers granted a corporative body are exercised by this board. (R. S., Sec. 1055.) They have the power to make orders concerning the property of the county as they may think expedient; to settle accounts against the county; to build and repair bridges; to apportion and order the levying of taxes; to manage the business of the county in all cases

where no provision is made by law; to establish election precincts; to make and keep in repair the county roads and bridges. (Sec. 1058.) They have entire and exclusive superintendence of the poor in their respective counties. (Sec. 1258.) Counties can sue and be sued; purchase and hold real estate; make contracts and do all acts in relation to the prosperity and concerns of the county necessary to the exercise of its corporative power. The commissioners receive an annual salary of two hundred dollars and a per diem compensation of five dollars for each day employed in the discharge of their duties. (Sec. 1072.)

**The Surveyor** makes and conducts all surveys for the county, and keeps plats of the surveys on file in his office. He determines the proper location by monument and boundary lines and makes surveys to establish corner of tracts when in dispute between owners. He receives eight dollars a day for actual service. (Sec. 1184.)

**The Sheriff** in person or by his deputies serves and executes according to law all processes, writs, precepts and orders issued out of any court of record in his county, in all criminal and civil cases. He preserves and keeps the peace in his county and suppresses all riots, unlawful assemblies and insurrections. In securing any person for felony or breach of peace he may call to his aid such persons as he may deem necessary. His salary is from eighteen to twelve hundred dollars a year according to the class of county, and fees from parties from whom he has rendered service in serving and returning any writ or orders of attachment or other service in civil cases. (Sec. 1111.)

**The County Treasurer** collects all of the taxes and keeps a record of the receipts and expenditures of the county. He is custodian of the county funds and issues warrants for the county's obligations. The State taxes from his county

are paid him and he pays them to the State treasurer. The salary is from eighteen hundred to one thousand dollars. (Sec. 1083.)

**The County and Prosecuting Attorney** appears in the district court in behalf of the State and county he represents, in all indictments, suits and proceedings to which the State or the people of the county may be a party. He is the legal adviser of the county officials, giving his opinion upon all questions of law having reference to the duties of such officers. His salary varies from fifteen hundred to six hundred dollars, according to the class of the county. (Sec. 1103. )

**The Superintendent of Schools.** (See Education.)

The county commissioners divide their county into assessment districts and appoint an **assessor** for each district; they also appoint a supervising assessor. The term of office is for one year. The assessors enter upon their duties the first day in April of each year. The district assessor obtains a list of every kind of property, real and personal, in his district which is subject to taxation, unless the valuation has been fixed and limited by the State Board of Equalization. These assessment schedules are sent to the supervising assessor of the county, who makes up the county assessment roll from these schedules and furnishes the county commissioners with a copy. The supervising assessor has his office at the county seat, and keeps a list of the property in his county subject to taxation as returned to him by these district assessors. The district assessors make a *census* schedule of their districts containing a list of every person, their color, sex, age, nativity, citizenship, occupation and education, and also general information as to the acres of land under cultivation, what crops are grown, the amount of live stock, the quantity of merchandise and manufactured goods, the value of the precious metals and the kind mined

and sold. These reports are sent to the supervising assessor, who in turn sends to the Secretary of State a complete statement of the facts obtained. From these data the Secretary compiles a report upon the resources of the State and has it published in pamphlet form for free distribution, to give general information about the State. The supervising assessor receives an annual salary of five to three hundred dollars and the district assessor three to one hundred and fifty dollars, according to the class of the county. (S. L. 1903, Ch. 79.)

**The Coroner** holds inquests upon all persons who have died by unlawful means, the cause of whose death is unknown, or who have died by violence. It is his duty when he finds the dead body of any person who has died by unnatural means to summon three citizens to act as jurors at the inquest. The jurors hear the testimony and make needful inquiries in reference to the deceased and return to the coroner their verdict as to when and how and by what means the death occurred. If the jurors find a crime has been committed on the deceased and believe that they know the offender, the coroner has power to issue a warrant to the sheriff to have the offending party arrested and taken before the justice of the peace for trial. The coroner's salary is five dollars a day when actually employed. When the sheriff is a party to a cause or proceeding, the coroner becomes the acting sheriff. (Sec. 1170.)

**The Justices of the Peace** (See Administration of Justice and Judicial Department.)

**The Constables** are elected by the people of the precincts and not by the entire county. Each precinct is entitled to a constable. Their duties are to serve and execute all warrants and writs delivered to them by the justice of the peace of their precinct. They arrest and bring to justice all felons and disturbers and violators of the criminal laws of



the State and suppress all riots and unlawful assemblies. The salary attached to this office is regulated by the population of the incorporated city or town forming a part of the precinct. If the precinct is not embraced in any incorporation, the constables receive fees for their services. (Sec. 4316, 4523.)

**The Clerk of the District Court** keeps the dockets, journals, record books and papers relating to the proceedings of the district court of his county and records its proceedings. He issues writs and orders as directed by the court and keeps a record of all verdicts and judgments and attaches the court seal to all official papers. The clerk receives a salary of twelve hundred dollars a year in counties where the assessed valuation is more than five million dollars. In counties having a less valuation the county clerk acts as ex-officio clerk without extra compensation. (Sec. 3416, 3429.)

### QUESTIONS.

1. Who made the laws governing your locality?
2. What is meant by the term incorporated town?
3. How do you distinguish between a town and a city?
4. Why are cities and counties divided into first, second and third classes?
5. If you wished to have your neighbor repair his sidewalks, which were in a dangerous condition, how would you proceed to accomplish this?
6. Who is the chief executive of a city?
7. Name the city officers. What are their duties?
8. Who levies taxes where you live?
9. Explain the process by which a public park could be started in a city. Who regulates affairs of this nature?
10. Who has control of the poor in your locality? How are they taken care of and at whose expense?
11. Who takes the census of a city and county?
12. May a city or county contract a debt? If so, who is responsible for it?
13. Name and locate the counties and their county-seats.



14. What is the population of your county? For whom or what was it named?
15. What is a Legislative District?
16. Who are the members of the Legislature from your county?
17. When does the term of office commence for county officers? How long is their term of office?
18. Explain what the County Commissioners have done for your locality.
19. What are the duties of the County and Prosecuting Attorney?
20. Name the county officers and their duties.

#### REFERENCES.

(See Chapter XXII.)

## CHAPTER XXII.

### GOVERNMENT IN THE DISTRICT, TOWN, CITY, COUNTY AND STATE.—*Continued.*

#### 5. THE STATE.

**The State Officers** and their duties, as provided by the Constitution, have been enumerated (Part II). The Legislature has exercised its authority and has created other State offices, which are filled by appointment from the Governor and confirmed by the Senate. The Governor has power to fill any vacancy which may occur in a State office when the Legislature is not in session. The appointment lasts until the next session of the Legislature, when the officer is reappointed or a new appointment is made. If the office is elective, the term is until the next general election.

**The Attorney-General** must be an attorney and have practiced law in the State for at least four years and be in good standing in the courts of record in the State. He is the legal adviser of all the State officers, and of the prosecuting attorneys of the State and gives legal opinions upon questions submitted to him by the Legislature when in session. He prosecutes and defends all suits that may be instituted by or against the State, which are not otherwise provided for by law. He defends all suits brought against the State officers in their official relations, except suits brought against them by the State and he represents the State in all criminal cases in the Supreme Court. When a complaint or charge is made by the Governor of misconduct in office by any of the county officers the matter is placed in charge of the Attorney-General to investigate. A report of this investigation and his recommendations are given to the district court of the county. When county officers refuse to obey instructions of the State Examiner, the Attorney-General has the power to take action and

enforce a compliance with the Examiner's instructions. He has power to commence action in the district courts and to dissolve banking associations that are violating the privileges of their franchise and to enforce the provisions which regulate foreign corporations in the State. He approves, assisted by the Governor, of the investment in bonds of the permanent fund arising from the sale of State lands. He is appointed for four years and his salary is two thousand dollars a year. (R. S., Secs. 94-100, 127, 140, 605, 3101; S. L. 1901, Ch. 83, Sec. 4; 1903, Chs. 30, 40, Sec. 2.)

**The Veterinarian** who is appointed for two years, must be a graduate of a college of veterinary surgery and a competent surgeon in this science. He investigates cases of contagious and infectious diseases among the cattle of the State. He has authority to investigate stock that are being imported in or through the State. No animals pronounced unsound by the Veterinarian can be turned loose, but are held subject to his orders. He has power to have all diseased animals killed. It is unlawful to sell or give away or kill for butcher purposes an animal affected with contagious disease. The salary is eighteen hundred dollars. (Sec. 145.)

**The Board of Live Stock Commissioners** is composed of three members, who hold their office for a term of two years. They must be actual owners of live stock, or owners of stock in a company having live stock running at large upon the public lands of the State. The board has general supervision over the live stock of the State and protects the stock interests from theft and disease. It divides the State into "round-up" districts, and appoints a commissioner for each of these districts, who looks after the interests of the stockmen of their respective districts. The board also appoints inspectors for the better protection of the live stock interests and places them at such places as will most effectively prevent the violation of any of the State laws for the protection of stock. A secretary is appointed for the board,

who keeps a list of the brands of the owners of live stock in the State. He also keeps a list of the estrays. (Estrays are live stock the owners of which are unknown.) A brand is the individual mark of a live stock owner. This mark, or character, or letters, is burned on the animal's skin. In this way the stockmen can claim their stock when different herds are running at large on the range. Anyone who alters or defaces a brand on any cattle commits a penitentiary offense, punishable from six months to five years in prison. (Sec. 4989.) All brands must be recorded in the office of the county clerk of the county where the cattle range, or feed.

A stockman is authorized to sell an estray, provided he remits to the secretary of this board the amount received for the sale. This money is refunded to the owner of the animal if satisfactory proof is given of the ownership. If no ownership is established, the proceeds of the sale go into the general fund of the State. The commissioners receive no salary. Their necessary incidental expenses are paid to the amount of one thousand dollars a year. (Sec. 2017.)

**The Board of Sheep Commissioners** consists of three members, who must be owners of sheep and residents of the State. They serve for two years. Their duties are the general supervision of the sheep interests of the State. They protect them from theft and disease and they make recommendations to the Legislature that will foster and develop this industry. They have the authority to appoint sheep inspectors, who act under the directions of the board and the State Veterinarian. Inspectors examine bands of sheep and ascertain whether they are free from scab or other disease. The inspectors have authority to quarantine sheep infected with such contagious disease and require the owners to treat the sheep. This is accomplished by the process of dipping the animals in a chemical solution and

freeing them from their difficulty. The cattle and sheep industry is the leading one in this State, and many more laws are enacted for the better protection of stock-raising than are necessary in those States where this industry is of minor importance.

The board receives no salary, but the inspectors are paid five dollars a day for actual service. (Sec. 2074.) The Board of Live Stock and Sheep Commissioners coöperate with the Secretary of Agriculture of the United States in the attempt to suppress and prevent pleuro-pneumonia and contagious diseases among domestic animals. Inspectors of the United States Bureau of Animal Industry have the same power in this State as our State Veterinarian and stock inspectors. (S. L. 1903, Ch. 61.)

Through the efforts of the stockmen an act has been passed by the Legislature to encourage the destruction of wild animals who live on other animals. Cattle and sheep are killed by these animals, and a bounty is offered for the destruction of each and every one; for a coyote so destroyed, one dollar and fifty cents; for each gray or black wolf or mountain lion, five dollars. The entire skin of each animal with all four paws attached thereto is presented to the county clerk or notary public of the county in which the animal was killed. The clerk issues a certificate for the person presenting the skins, stating the number and kind of animals killed and the sum to be received; the county clerk cuts off each paw and makes a punch mark in the ears of each skin presented and forwards a statement of the fact to the State Auditor, with the necessary certificate as to the animals destroyed and by whom. The State warrant is drawn in favor of the one who presented the skins, and sent to the county clerk for delivery to the owner. The last appropriation made under this act was forty thousand dollars, but it was all spent in bounties long before the meeting of the next Legislature, when another appropriation might be made. (S. L. 1903, Ch. 43.)



**The State Librarian** is appointed for two years. His office, the State library, is situated in the capitol building at Cheyenne. He has charge of all books and papers of the State which properly belong to the library and keeps a file of all the papers published in the State. Many of the books in the library are journals, legislative documents and statutes, books of great value for reference and use to the legal profession. By legislative enactment the State library is designated as the *State Law Library*. (R. S., Sec. 475.)

All books, maps and charts designed and intended for the use of this State must be deposited with the State Librarian. Fifteen thousand acres of land from the 260,000 acres donated to the State for State, charitable, educational, penal and reformatory institutions are set aside for the use of the State law library.

The Librarian has supervision over the *Miscellaneous State Library*, the books of which are kept with those of the law library. This library also has fifteen thousand acres set aside for its use. (Sec. 455.)

The United States Government adopts standard weights, measures and balances, and this State has adopted and established them as the legal public standard for scales. These standards of measurement are sent by the United States to all of the States and placed in the care of some officer, who acts as custodian of the property and uses them to test and verify the weights, measures and balances of those who use them in mercantile business. The State Librarian acts as the superintendent in this State. (Sec. 2308.) The Librarian receives a salary of twelve hundred dollars a year. (S. L. 1903, Ch. 87.)

County commissioners are empowered to establish and maintain *county libraries* at the expense of the tax payers of the county in which the library is situated. Before the tax can be levied, the citizens of the county must give a bond that a suitable place will be permanently furnished for the

protection of the books and for the use of a public library; then the county commissioners may levy an annual tax of not less than one-eighth nor more than one-half of a mill on the property of the county for the support of the library to be located at the county seat. The citizens must pay rent for a proper building, the tax pays all of the other expenses. A board of trustees consisting of three members is appointed by the county commissioners, the term of office for each is for three years. The trustees buy the books and appoint the librarian and regulate the compensation for service. Every county library is for the free use of the citizens of the county. (Sec. 1019.) All of the counties have not taken advantage of this law but those which have do not question the benefits derived from this form of public education. Next to the public schools the libraries are the wisest form of popular, public education, the results depending largely upon the wisdom of the trustees and the librarian in their selection of books and rules governing the use of the library. The county commissioners of Laramie, Albany, Uinta and Sheridan county have each accepted a gift from Mr. Andrew Carnegie for the erection of a public library. The donation was given on the condition that the county commissioners of Laramie county would annually expend for the use of the library a sum of three thousand dollars, or one-sixth of the sum appropriated, which was \$50,000, and, that the other counties would annually raise one-tenth of the sum given for their libraries. Albany county received \$20,000. Mr. Carnegie now makes it a rule not to give any library donations unless one-tenth of the sum to be given is raised by tax and expended annually for library purposes.

A city council may make provision to pay part of the expenses of a county library situated within its limits, when the building for the use of the library has been donated. (S. L. 1903, Ch. 88.) Some towns have public libraries which are maintained largely through the individual efforts

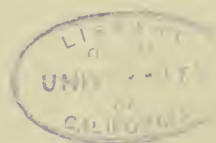
of the local citizens. There are also traveling libraries which are sent from one ranch to another for public use. The university believing that education and a library are inseparable, has maintained a liberal policy towards its library and has in fourteen years accumulated a library of twenty thousand valuable volumes.

**The Wyoming Historical Society** is under the control of a board of trustees, consisting of six members each appointed for six years, and the Governor, Secretary of State and Librarian who act as ex-officio members. The object of this society is to collect and preserve all records that relate to the history of the State. The board is instructed to collect publications illustrative of the history of Wyoming and the northwest; to procure from pioneers narrations of their exploits, perils and adventures; to collect all facts possible about the Indians who have been and are in the State; to preserve fossils, ores and minerals and objects of curiosity connected with the State's history. The valuable collection of this society is in the capitol building. (Sec. 481.) The officers receive no compensation for their services.

The State is divided into two *fish hatchery* districts. District number one embraces the southern and central counties, and number two the northern counties. The headquarters of number one is at Laramie, and number two at Sheridan, where the respective superintendents reside. The Governor appoints the superintendents who hold office for four years. They have entire control of the waters of their district in regard to the collection, propagation, culture, distribution and protection of fish. It is their duty to examine the streams of the State not naturally stocked with fish and judge of their adaptability for fish, and to stock same if suitable. After a stream is thus stocked it is unlawful to fish in same for a period of two years, unless the stream has a natural supply of trout in addition to those placed there by the superintendent. In May of each year the superin-



THE LIBRARY (CARNEGIE) FOR LARAMIE COUNTY.





tendents notify the county commissioners of the number of young fish they have for distribution for each county. The county commissioners instruct the superintendents what streams they wish stocked and the distribution is made. The fish are sent by the thousands in large cans specially constructed for the purpose to the several counties, the superintendents personally making the distribution. The superintendents act as *fish wardens* and have charge of the enforcement of all laws of this State relating to fish. They have power to arrest without warrant anyone violating the fish laws. It is unlawful to sell any of the game fish in the State, or for any person to catch in one day more than twenty pounds of game fish. Any contrivance to prevent the free passage of fish up and down and through the waters is prohibited, and dams must be constructed with fish ways to allow the free and uninterrupted passage of the fish. It is unlawful to kill trout or black bass that are less than six inches in length, or to use explosives or poison to destroy the fish. Ponds and lakes containing fish owned by private parties are protected in the same way as the public streams. The fishing season is from the first of June to the last of September, except in the Big Horn and North Platte rivers and their tributaries, where fishing may commence the first of May. The streams are stocked with abundant food fish through the efforts of this industry of the State. Sundance, Lander and Saratoga, each, has a branch hatchery. The superintendents each receive twelve hundred dollars a year. (Sec. 2127.)

**The State Game Warden** holds his appointive office for four years. His duties are to protect the game and fish of the State and to enforce the laws relating thereto. He has the power to appoint three assistant game wardens to help him in enforcing the provisions of the game law. Not more than one assistant can be appointed from any one county and the salary of each is nine hundred dollars a year.

The duties of the game warden are the protection of the game and fish from needless destruction. The open season when partridges, pheasants, prairie chickens may be shot is from September first to December first, and sage chickens and grouse from July fifteenth to October fifteenth. Duck and geese may be shot from the first of September to the first of May. No moose, martin or beaver may be killed until the year 1912, and buffalo cannot be killed or captured at any time. The open season for deer, elk, antelope, mountain sheep and goats and bear is from the fifteenth of September to the fifteenth of November. No resident in the State can hunt any of this larger game outside of the county in which he lives without a gun license obtained from the Justice of the Peace of the county in which the hunter resides upon the payment of one dollar. A non-resident of the State must pay the sum of fifty dollars for a gun license to kill any of the animals or game birds in the State. The number of animals that can be killed by any one person during one season, is two, except the mountain sheep and goats, where only one of each is allowed. It is unlawful to sell any of the wild game. The game warden receives fifteen hundred dollars per annum. (S. L. 1903, Ch. 44.)

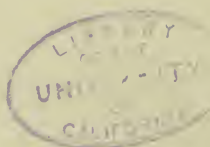
**The State Board of Health** consists of three members, one of whom must be a physician. If there is only one physician on the board he acts as secretary and executive officer of the board. The term of office is four years. The board selects a practicing physician in each county who acts as the county health officer. The State board is authorized to have a general oversight over the interests of health and life among the people of the State. It makes sanitary investigations respecting the causes of disease and epidemics, the causes of death and the effects of localities, employment and other circumstances bearing upon the public health. The members investigate as to the causes of contagious and infectious diseases that threaten the public safety. They



**PEDIOCETES PHASIANELLUS CAMPESTRIS.**

(Prairie Sharp-tailed Grouse.)

A type gamebird of Wyoming.



have authority to inspect for sanitary purposes the public hospitals, prisons, schools or other public institutions and suggest any needed changes in the drainage, water supply, heating or ventilation. The State board and local health officer co-operate in their efforts to prevent the spread of disease and for the protection of life and the promotion of health. When small-pox, cholera, typhoid or scarlet fever, diphtheria or other contagious diseases which are a menace to the public exist it is the duty of the county health officer to notify the secretary of the State board, when the county health officer may be directed to quarantine the city, town or place, where the disease exists. Any expenditure necessary for the maintenance of such quarantine, in the nature of clothing, provisions, construction of a pest-house or police officers, to maintain and enforce the quarantine, is paid by the county commissioners. The State board may adopt measures for the general vaccination of the public of a locality when it deems it necessary. Any one refusing to be vaccinated is subject to a fine or imprisonment. It is the duty of every practicing physician to notify the State board when contagious or infectious diseases exist. Their failure to report any such case is a misdemeanor. Anyone escaping from quarantine, established by law, is guilty of a felony and is subject to a punishment of not more than five years in the penitentiary. The members of the State board each receive two hundred dollars a year, but the secretary receives ten dollars a day when doing actual service and the county health officers eight dollars a day. (S. L. 1901, Ch. 55, 1903, Ch. 94.)

To better protect the health of the inhabitants of the State a *pure food* law has been enacted. The professor of chemistry at the State University is the *State Chemist* whose duty it is to make a chemical analysis of foods, drinks, drugs, or illuminating oils as may be submitted to him for this purpose. The board of trustees of the university is authorized



to appoint an assistant to the chemist who may perform any duties required of the State Chemist. The law prohibits the sale of any adulterated drugs, articles of food, drink or illuminating oil. The State Board of Health and Medical Examiners appoint ex-officio city health officers who are directed to collect samples for examination and analysis and send them to the State Chemist. (S. L. 1903, Ch. 83.)

The sale and storage of all *explosives* are regulated by law. Nitro-glycerine, powder and other high explosives must be stored in a magazine provided for that purpose alone and oils and other inflammable matter must be kept in a building erected for the purpose and at a safe distance from other buildings. (S. L. 1903, Ch. 70.) It is unlawful to sell, except on the written prescription of a regular practicing physician, any drugs that induce delirium; this includes cocaine, opium and chloral hydrate. (Ch. 98.) Minors or persons under twenty-one years of age are prohibited from frequenting saloons or gambling places, and the sale of liquor and cigarettes or tobacco in any of its forms to them is a violation of the law, and the seller is subject to a fine of ten to fifty dollars. (R. S. Sec. 5068, 5069.)

**The State Board of Medical Examiners** consists of three physicians, who hold office for a term of four years. The duties of the board are to examine and pass upon the qualifications and fitness of persons who desire to practice medicine or surgery; to examine applicants who wish to practice their science in the State and to issue certificates to those who have successfully passed the examination, which certificate gives them the authority to practice in this State; to pass upon the sufficiency of a diploma received by the applicant from some established and recognized medical college which will exempt them from this examination. (Sec. 2189.) This board has the power to revoke the license of a physician if he is guilty of unprofessional conduct. The members of this board are paid five dollars a day for service. (S. L. 1903, Ch. 98.)

Only those who are registered *pharmacists* may sell or compound drugs, medicines or poisons.

A registered pharmacist is one who is a graduate from a school of pharmacy, or has been licensed as a pharmacist. The Governor appoints a *commission of pharmacy* consisting of three members who hold office for six years. They examine applicants for registration and grant certificates which must be conspicuously placed in view in the place of business occupied by the pharmacist. The members receive five dollars when actually employed in service. (Sec. 2213.)

A person desiring to practice *dentistry* in the State must be a graduate from a reputable dental college and the diploma must be made a matter of record in the county clerk's office of the county in which the dentist is to practice. (R. S., Sec. 2209.)

An attorney-at-law is a lawyer, who is employed by some one to act in his behalf. He is a person who represents the party engaging him at the courts of justice. In Wyoming there is a **State Board of Law Examiners**, consisting of five members of the bar appointed by the Supreme Court and who hold office for three years. An applicant for admission to the bar must present his petition to the Supreme Court and it refers the same to this State Board for examination and recommendation. The examination questions and answers are sent to the court by the board and if the court finds the applicant to be qualified to discharge the duties of an attorney, and is of good moral character, an order is entered admitting him to practice in all the courts of the State. No one may be examined who is not at least twenty-one years of age, a citizen of the United States, and a resident of Wyoming, and who has not studied law at least three years. Attorneys who have practiced in the highest court of any other State may, at the discretion of the Supreme Court, be admitted to practice in the State without examination. (Sec. 3304.)

**The State Board of Charities and Reform** consists of the Governor, Secretary of State, Treasurer, Auditor and Superintendent of Public Instruction. The board has general supervision and control of all charitable, reformatory and penal institutions established by the State; the general custody, charge and control of all buildings and grounds used for these purposes (except the poor farm at Lander), and the general charge and supervision of all county jails in the State. This supervision includes the insane asylum, the penitentiary, deaf and dumb asylum, the general hospital, the soldiers and sailors' home and the Big Horn Hot Springs. The district court of any county may commit to the care and guardianship of the house of refuge and reform, or to an industrial school any child under the age of sixteen who has been convicted for an offense, except homicide, to be educated, trained and reformed. The State Board of Charities and Reforms determines from time to time where such juvenile delinquents shall be placed as there is no house or school of this nature in the State. The cost of supporting this class is paid by the State and cannot exceed five dollars a week for each child. (Secs. 632, 700, 4934.)

**The Land Boards** known as the *State Board of School Land Commissioners* and the *State Board of Land Commissioners* are, the former, presided over by the Governor, Secretary of State, Treasurer and Superintendent of Public Instruction; and, the latter, by the Governor, Superintendent and Secretary of State.

The School Land Commissioners have direction and control of the leasing, selection and disposal of all lands belonging to the State to be used for public schools. The Land Commissioners have the control and care of all other lands granted or acquired by the State. The Superintendent of Public Instruction is the secretary and *Register* of both boards. He is general custodian of all of the papers,

records and transactions of these land boards. (S. L. 1903, Ch. 78.)

**The Board of Control** composed of the State Engineer and his four water division superintendents, in addition to its duties in relation to the waters of the State, constitutes a special commission to select and locate all lands which are now or may be hereafter granted to the State by the United States. (R. S. Sec. 788.) (See Irrigation.)

The Secretary of State, Treasurer and Auditor constitute a *Board of Equalization* of the taxes for the State. It is the duty of the board to examine the assessments of the various counties so far as regards taxes and equalize the valuation of real property among the several counties and towns, and notify each county clerk of the rate of the State tax determined upon by the board to be levied and collected in each county. (Sec. 1784.)

## YELLOWSTONE NATIONAL PARK.

Lewis and Clark had in their party, which explored to the mouth of the Columbia river, a trapper and hunter by the name of John Colter. When the expedition returned from the Pacific Coast Colter severed his connection with the explorers when in the region of the Yellowstone River, in Montana, and traveled south with two trappers into Wyoming and discovered what is now known as the Yellowstone National Park. In 1872 by act of Congress this natural wonderland was set aside as a National Park and placed under the jurisdiction of the United States. This park was created as a National reserve in order to preserve its forests and its game and in order to have it remain as a public domain for the benefit and enjoyment of the people. The park is under the supervision of the United States Secretary of the Interior, who has authority to make all rules and regulations for its government. The local superintendent is an officer of the United States army and resides at Mammoth



Hot Springs. In Wyoming's Act of Admission in 1890 exclusive control and jurisdiction over the park were acknowledged to belong to the United States. No settler is permitted to reside within the park and strict regulations are in force as to fishing and hunting within its boundaries. Bear, antelope, mountain sheep, buffalo, bison, elk and deer make their homes in the park where they are undisturbed by the people who live out of the State or by those living in Wyoming.

### QUESTIONS.

1. What State officers are elected? When, by whom and for what length of time?
2. What State officers are appointed, by whom, when and for what periods?
3. What relation does the Attorney-General bear to the County Attorneys of the State?
4. What are the advantages of having a Veterinarian?
5. Explain the practical work done by the Stock and Sheep Commissioners.
6. What is the "bounty law"? Has it been of any benefit to your locality?
7. Have you a County Library? Why? Has an effort ever been made to organize one? Where is the State Library located?
8. Describe the purpose of our Fish Hatcheries. When is the legal fishing season?
9. Who guards the game in the State? What animals are prohibited from being shot? Why these and not others? When is the open season?
10. What are the duties of the State Board of Health? Have they ever exercised their powers in your locality?
11. Who is the State Chemist? What foods are most easily adulterated?
12. Why does the State have a Board of Medical Examiners? Of Law Examiners?
13. What advantage is it to have pharmacists and dentists registered?



14. Explain the duties of the Board of Charities and Reform. Where are the juvenile delinquents of the State sent for correction? Where do we send our deaf, dumb and blind?
15. Locate the public buildings of the State.
16. State the duties of the Land Commissioners.
17. Has the Board of Control any judicial duties?
18. What is the purpose of the Board of Equalization?
19. Why does the State not own the Yellowstone Park?
20. What other lands are reserved by the National Government in Wyoming?

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Muir, *Our National Parks*.



APPENDIX A  
THE CONSTITUTION  
OF WYOMING



# CONSTITUTION OF THE STATE OF WYOMING.

Adopted by the People at a General Election held November 5, 1889.

## PREAMBLE.

We, the people of the state of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this constitution.

## ARTICLE I.

### Declaration of Rights.

**Section 1.** All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

**Sec. 2.** In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.

**Sec. 3.** Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

**Sec. 4.** The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit, particularly describing the place to be searched or the person or thing to be seized.

**Sec. 5.** No person shall be imprisoned for debt except in cases of fraud.

**Sec. 6.** No person shall be deprived of life, liberty or property without due process of law.

**Sec. 7.** Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

**Sec. 8.** All courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay. Suits may be brought against the state in such manner and in such courts as the legislature may by law direct.

**Sec. 9.** The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may



be prescribed by law. Hereafter a grand jury may consist of twelve men, any nine of whom concurring may find an indictment, but the legislature may change, regulate or abolish the grand jury system.

**Sec. 10.** In all criminal prosecutions the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

**Sec. 11.** No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

**Sec. 12.** No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.

**Sec. 13.** Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

**Sec. 14.** All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted.

**Sec. 15.** The penal code shall be framed on the humane principles of reformation and prevention.

**Sec. 16.** No person arrested and confined in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.

**Sec. 17.** The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

**Sec. 18.** The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to hold any office of trust or profit, or to serve as a witness or juror, because of his opinion on any matter of religious belief whatever; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state.

**Sec. 19.** No money of the state shall ever be given or appropriated to any sectarian or religious society or institution.

**Sec. 20.** Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right; and in all trials for libel, both civil and criminal, the truth, when published with good intent and for justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts and the law, under direction of the court.

**Sec. 21.** The right of petition, and of the people peaceably to assemble to consult for the common good, and to make known their opinions, shall never be denied or abridged.

**Sec. 22.** The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the state.

**Sec. 23.** The right of citizens to opportunities for education should have practical recognition. The Legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

**Sec. 24.** The right of citizens to bear arms in defense of themselves and of the state shall not be denied.

**Sec. 25.** The military shall ever be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

**Sec. 26.** Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person be attainted of treason by the legislature.

**Sec. 27.** Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammelled exercise of the right of suffrage.

**Sec. 28.** No tax shall be imposed without the consent of the people or their authorized representatives. All taxation shall be equal and uniform.

**Sec. 29.** No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment and descent of property.

**Sec. 30.** Perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed. Corporations being the creatures of the state, endowed for the public good with a portion of its sovereign powers, must be subject to its control.

**Sec. 31.** Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the state, which, in providing for its use, shall equally guard all the various interests involved.

**Sec. 32.** Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due compensation.

**Sec. 33.** Private property shall not be taken or damaged for public or private use without just compensation.

**Sec. 34.** All laws of a general nature shall have a uniform operation.

**Sec. 35.** No ex post facto law, nor any law impairing the obligation of contracts, shall ever be made.

**Sec. 36.** The enumeration in this constitution, of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

**Sec. 37.** The state of Wyoming is an inseparable part of the Federal Union, and the constitution of the United States is the supreme law of the land.

## **ARTICLE II.**

### **Distribution of Powers.**

**Section 1.** The powers of the government of this state are divided into three distinct departments: the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

## **ARTICLE III.**

### **Legislative Department.**

**Section 1.** The legislative power shall be vested in a senate and house of representatives, which shall be designated "The Legislature of the State of Wyoming."

**Sec. 2.** Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this state and who has not, for at least twelve months next preceding his election resided within the county or district in which he was elected.

**Sec. 3.** Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution shall consist of sixteen and thirty-three members respectively.

**Sec. 4.** When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

**Sec. 5.** Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday of January thereafter.

**Sec. 6.** Each member of the first legislature, as a compensation for his services, shall receive five dollars for each day's attendance, and fifteen cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite or allowance whatever. No session of the legislature after the first, which may be sixty days, shall exceed forty days. After the first session the compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation.

**Sec. 7.** The legislature shall meet at the seat of government at twelve o'clock, noon, on the second Tuesday of January, next succeeding the general election provided by law, and at twelve o'clock, noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the governor.

**Sec. 8.** No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the state, and no member of congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this state, shall be a member of either house during his continuance in office.

**Sec. 9.** No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during that term.

**Sec. 10.** The senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president; the house of representatives shall elect one of its members speaker; each house shall choose its own officers, and shall judge of the election returns and qualifications of its members.

**Sec. 11.** A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

**Sec. 12.** Each house shall have power to determine the rules of its proceedings, and to punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary to the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either house of the legislature, and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offence.

**Sec. 13.** Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the yeas and nays on any question, shall, at the request of two members, be entered on the journal.

**Sec. 14.** The sessions of each house and of the committee of the whole shall be open unless the business is such as requires secrecy.

**Sec. 15.** Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.



**Sec. 16.** The members of the legislature shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

**Sec. 17.** The sole power of impeachment shall vest in the house of representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the senate sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

**Sec. 18.** The governor and other state and judicial officers except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

**Sec. 19.** All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

**Sec. 20.** No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

**Sec. 21.** The enacting clause of every law shall be as follows: "Be it Enacted by the Legislature of the State of Wyoming."

**Sec. 22.** No bill for the appropriation of money, except for the expenses of the government, shall be introduced within five (5) days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

**Sec. 23.** No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

**Sec. 24.** No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject is embraced in any act which is not expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

**Sec. 25.** No bill shall become a law, except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote taken by ayes and noes, and the names of those voting be entered on the journal.

**Sec. 26.** No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended, shall be re-enacted and published at length.



**Sec. 27.** The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns or villages; or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing, or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the state treasury; relinquishing or extinguishing, in whole or part, the indebtedness, liabilities or obligation of any corporation or person to this state or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of offices in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable no special law shall be enacted.

**Sec. 28.** The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

**Sec. 29.** The legislature shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the state treasury, or be in any way authorized to any such person except to an acting officer or employe elected or appointed in pursuance of law.

**Sec. 30.** No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services are rendered or contract made.

**Sec. 31.** All stationery, printing, paper, fuel and lights used in the legislature and other departments of government, shall be furnished, and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

**Sec. 32.** Except as otherwise provided in this constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the legislature from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, if such salaries or emoluments are not fixed by its provisions.

**Sec. 33.** All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

**Sec. 34.** The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

**Sec. 35.** Except for interest on public debt, money shall be paid out of the treasury only on appropriations made by the legislature, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

**Sec. 36.** No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

**Sec. 37.** The legislature shall not delegate to any special commissioner, private corporation or association, any power to make, supervise or interfere with any municipal improvements, moneys, property or effects, whether held in trust or otherwise, to levy taxes, or to perform any municipal functions whatever.

**Sec. 38.** No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians or trustees, in the bonds or stock of any private corporation.

**Sec. 39.** The legislature shall have no power to pass any law authorizing the state or any county in the state to contract any debt or obligation in the construction of any railroad, or give or loan its credit to or in aid of the construction of the same.

**Sec. 40.** No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

**Sec. 41.** Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses as prescribed in the case of a bill.

**Sec. 42.** If any person elected to either house of the legislature shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or to be introduced into the legislature, in consideration or upon condition that any other person elected to the same legislature will give, or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislature, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislature shall give his vote or influence for or against any measure or proposition pending or to be introduced in such legislature, or offer, promise or assent thereto, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or to be introduced in such legislature, or in consideration that any other member has given his vote or influence for or against any other measure or proposition in such legislature, he shall be deemed guilty of bribery, and any member of the legislature, or person elected thereto, who shall be guilty of either of such offences, shall be expelled and shall not thereafter be eligible to the legislature, and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

**Sec. 43.** Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official duties shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

**Sec. 44.** Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this state.

**Sec. 45.** The offense of corrupt solicitation of members of the legislature or of public officers of the state, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punishable by fine and imprisonment.

**Sec. 46.** A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

#### APPORTIONMENT.

**Section 1.** One representative in the congress of the United States shall be elected from the state at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts accordingly.

**Sec. 2.** The legislature shall provide by law for an enumeration of the inhabitants of the state in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives, on a basis of such enumeration according to ratios to be fixed by law.

**Sec. 3.** Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

**Sec. 4.** Until an apportionment of senators and representatives as otherwise provided by law, they shall be divided among the several counties of the state in the following manner:

Albany county, two senators and five representatives.

Carbon county, two senators and five representatives.

Converse county, one senator and three representatives.

Crook county, one senator and two representatives.

Fremont county, one senator and two representatives.

Laramie county, three senators and six representatives.

Johnson county, one senator and two representatives.

Sheridan county, one senator and two representatives.

Sweetwater county, two senators and three representatives.

Uinta county, two senators and three representatives.

#### ARTICLE IV.

##### Executive Department.

**Section 1.** The executive power shall be vested in a governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

**Sec. 2.** No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the state, who has attained the age of thirty years, and who has resided five years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he was elected.

**Sec. 3.** The governor shall be elected by the qualified electors of the state at the time and place of choosing members of the legislature. The person having the highest number of votes for



governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

**Sec. 4.** The governor shall be commander-in-chief of the military forces of the state, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall at the commencement of each session communicate to the legislature by message, information of the condition of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed.

**Sec. 5.** The governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offences except treason and cases of impeachment; but the legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the legislature at its next regular session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve with his reasons for granting the same.

**Sec. 6.** If the governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the state, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

**Sec. 7.** When any office from any cause becomes vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have the power to fill the same by appointment.

**Sec. 8.** Every bill which has passed the legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting



for and against the bill shall be entered upon the journal of each house respectively. If any bill is not returned by the governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the legislature by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the secretary of state within fifteen days after such adjournment.

**Sec. 9.** The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

**Sec. 10.** Any governor of this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature; or who threatens any member that he, the governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state.

**Sec. 11.** There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislature, a secretary of state, auditor, treasurer, and superintendent of public instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government, for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four (4) years after the expiration of the term for which he was elected. The legislature may provide for such other state officers as are deemed necessary.

**Sec. 12.** The powers and duties of the secretary of state, of state auditor, treasurer and superintendent of public instruction shall be as prescribed by law.

**Sec. 13.** Until otherwise provided by law, the governor shall receive an annual salary of two thousand five hundred dollars, the secretary of state, state auditor, state treasurer and superintendent of public instruction shall each receive an annual salary of two thousand dollars, and the salaries of any of the said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

**Sec. 14.** The legislature shall provide for a state examiner, who shall be appointed by the governor and confirmed by the senate. His duty shall be to examine the accounts of state treasurer, supreme court clerks, district court clerks, and all county treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the legislature. His compensation shall be fixed by law.

**Sec. 15.** There shall be a seal of state which shall be called the "Great Seal of the State of Wyoming;" it shall be kept by the secretary of state and used by him officially as directed by law.

The seal of the Territory of Wyoming as now used shall be the seal of the state until otherwise provided by law.

## ARTICLE V.

### Judicial Department.

**Section 1.** The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, courts of arbitration and such courts as the legislature may, by general law, establish for incorporated cities or incorporated towns.

**Sec. 2.** The supreme court shall have general appellate jurisdiction, co-extensive with the state, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

**Sec. 3.** The supreme court shall have original jurisdiction in quo warranto and mandamus as to all state officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any district court of the state or any judge thereof.

**Sec. 4.** The supreme court of the state shall consist of three justices who shall be elected by the qualified electors of the state at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first

meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

**Sec. 5.** A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business.

**Sec. 6.** In case a judge of the supreme court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

**Sec. 7.** At least two terms of the supreme court shall be held annually at the seat of government at such times as may be provided by law.

**Sec. 8.** No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least three years.

**Sec. 9.** There shall be a clerk of the supreme court who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

**Sec. 10.** The district court shall have original jurisdiction of all causes at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The district court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

**Sec. 11.** The judges of the district courts may hold courts for each other and shall do so when required by law.

**Sec. 12.** No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the state or Territory of Wyoming at least two years next preceding his election.

**Sec. 13.** There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

**Sec. 14.** The legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden, such commissioners shall have authority to perform such chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

**Sec. 15.** The style of all process shall be "The State of Wyoming." All prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

**Sec. 16.** No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

**Sec. 17.** The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the supreme or district court shall be as may be prescribed by law.

**Sec. 18.** Writs of error and appeals may be allowed from the decisions of the district courts to the supreme courts under such regulations as may be prescribed by law.

**Sec. 19.** Until otherwise provided by law, the state shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose terms shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.

**Sec. 20.** Until otherwise provided by law, said judicial districts shall be constituted as follows:

District number one shall consist of the counties of Laramie, Converse and Crook.

District number two shall consist of the counties of Albany, Johnson and Sheridan.

District number three shall consist of the counties of Carbon, Sweetwater, Uinta and Fremont.



**Sec. 21.** The legislature may from time to time increase the number of said judicial districts and the judges thereof, but such increase or change in the boundaries of the district shall not work the removal of any judge from his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the state shall exceed one hundred million dollars (\$100,000,000).

**Sec. 22.** The legislature shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.

**Sec. 23.** Appeals shall lie from the final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.

**Sec. 24.** The time of holding courts in the several counties of a district shall be prescribed by law, and the legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

**Sec. 25.** No judge of the supreme or district court shall act as attorney or counsellor at law.

**Sec. 26.** Until the legislature shall provide by law for fixing the terms of courts, the judges of the supreme court and district courts shall fix the terms thereof.

**Sec. 27.** No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.

**Sec. 28.** Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.

## ARTICLE VI.

### Suffrage.

**Section 1.** The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

**Sec. 2.** Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the state or territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.



**Sec. 3.** Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

**Sec. 4.** No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

**Sec. 5.** No person shall be deemed a qualified elector of this state, unless such person be a citizen of the United States.

**Sec. 6.** All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

**Sec. 7.** No elector shall be deemed to have lost his residence in the state, by reason of his absence on business of the United States, or of this state, or in the military or naval service of the United States.

**Sec. 8.** No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

**Sec. 9.** No person shall have the right to vote who shall not be able to read the constitution of this state. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

**Sec. 10.** Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

**Sec. 11.** All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

**Sec. 12.** No person qualified to be an elector of the State of Wyoming, shall be allowed to vote at any general or special election hereafter to be holden in the state, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

#### **Elections.**

**Section 1.** The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

**Sec. 2.** The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise pro-

vided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

**Sec. 3.** No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

**Sec. 4.** Every person holding any civil office under the state or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

**Sec. 5.** All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming, and representatives to the congress of the United States, shall be held on the Tuesday following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

**Sec. 6.** All officers, whose election is not provided for in this constitution, shall be elected or appointed as may be directed by law.

**Sec. 7.** No member of congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The legislature may by law declare what offices are incompatible.

**Sec. 8.** Senators and representatives and all judicial, state and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of this state, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

**Sec. 9.** The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county

officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this state. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

## ARTICLE VII.

### Education.

**Section 1.** The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary.

**Sec. 2.** The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to-wit: Such per centum as has been or may hereafter be granted by congress on the sale of lands in this state; all moneys arising from the sale or lease of sections number sixteen and thirty-six in each township in the state, and the lands selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this state, where by the terms and conditions of the grant, the same are not to be otherwise appropriated; the net proceeds of lands and other property and effects that may come to the state by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands and other property now belonging to the common school fund.

**Sec. 3.** To the sources of revenue above mentioned shall be added all other grants, gifts and devises that have been or may hereafter be made to this state and not otherwise appropriated by the terms of the grant, gift or devise.

**Sec. 4.** All moneys, stocks, bonds, lands and other property belonging to a county school fund, except such moneys and property as may be provided by law for current use in aid of public schools, shall belong to and be securely invested and sacredly preserved in the several counties as a county public school fund, the income of which shall be appropriated exclusively to the use and support of free public schools in the several counties of the state.

**Sec. 5.** All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

**Sec. 6.** All funds belonging to the state for public school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the state, which shall keep them for the exclusive benefit of the public schools, and shall make

good any losses that may in any manner occur, so that the same shall remain forever inviolate and undiminished. None of such funds shall ever be invested or loaned except on the bonds issued by school districts, or registered county bonds of the state, or state securities of this state, or of the United States.

**Sec. 7.** The income arising from the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the legislature may provide, shall be exclusively applied to the support of free schools in every county in the state.

**Sec. 8.** Provision shall be made by general law for the equitable distribution of such income among the several counties according to the number of children of school age in each; which several counties shall in like manner distribute the proportion of said fund by them received respectively to the several school districts embraced therein. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least three months; nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.

**Sec. 9.** The legislature shall make such further provision by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all the youth of the state, between the ages of six and twenty-one years, free of charge; and in view of such provision so made, the legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

**Sec. 10.** In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color.

**Sec. 11.** Neither the legislature nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools.

**Sec. 12.** No sectarian instruction, qualifications or tests shall be imparted, exacted, applied or in any manner tolerated in the schools of any grade or character controlled by the state, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this constitution.

**Sec. 13.** The governor, secretary of state, state treasurer and superintendent of public instruction shall constitute the board of land commissioners, which, under direction of the legislature, as limited by this constitution, shall have direction, control, leasing and disposal of the lands of the state granted, or which may be hereafter granted for the support and benefit of public schools, subject to the further limitations that the sale of all lands shall



be at public auction, after such delay (not less than the time fixed by congress) in portions at proper intervals of time, and at such minimum prices (not less than the minimum fixed by congress) as to realize the largest possible proceeds.

**Sec. 14.** The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.

#### **The University.**

**Sec. 15.** The establishment of the University of Wyoming is hereby confirmed, and said institution, with its several departments, is hereby declared to be the University of the State of Wyoming. All lands which have been heretofore granted or which may be granted hereafter by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations, or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress.

**Sec. 16.** The university shall be equally open to students of both sexes, irrespective of race or color; and, in order that the instruction furnished may be as nearly free as possible, any amount in addition to the income from its grants of lands and other sources above mentioned, necessary to its support and maintenance in a condition of full efficiency shall be raised by taxation or otherwise, under provisions of the legislature.

**Sec. 17.** The legislature shall provide by law for the management of the university, its lands and other property by a board of trustees, consisting of not less than seven members, to be appointed by the governor by and with the advice and consent of the senate, and the president of the university, and the superintendent of public instruction, as members ex-officio, as such having the right to speak, but not to vote. The duties and powers of the trustees shall be prescribed by law.

#### **Charitable and Penal Institutions.**

**Sec. 18.** Such charitable, reformatory and penal institutions as the claims of humanity and the public good may require, shall be established and supported by the state in such manner as the legislature may prescribe. They shall be under the general supervision of a state board of charities and reform, whose duties and powers shall be prescribed by law.

**Sec. 19.** The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this constitution, become the property of the state of Wyoming, and such of said institutions as are then in actual operation, shall thereafter have the supervision of the board of charities and reform as provided in the last preceding section of this article, under provisions of the legislature.



**Public Health and Morals.**

**Sec. 20.** As the health and morality of the people are essential to their well-being, and to the peace and permanence of the state, it shall be the duty of the legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue, and such restrictions upon vice and immorality of every sort, as are deemed necessary to the public welfare.

**Public Buildings.**

**Sec. 21.** All public buildings and other property, belonging to the territory shall, upon the adoption of this constitution, become the property of the state of Wyoming.

**Sec. 22.** The construction, care and preservation of all public buildings of the state not under the control of the board of officers of public institutions by authority of law shall be entrusted to such officers or boards, and under such regulations as shall be prescribed by law.

**Sec. 23.** The legislature shall have no power to change or to locate the seat of government, the state university, insane asylum, or state penitentiary, but may after the expiration of ten (10) years after the adoption of this constitution, provide by law for submitting the question of the permanent locations thereof, respectively, to the qualified electors of the state, at some general election, and a majority of all votes upon said question cast at said election, shall be necessary to determine the location thereof; but for said period of ten (10) years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the City of Cheyenne, in the county of Laramie. The State University shall be located at the City of Laramie, in the county of Albany. The insane asylum shall be located at the town of Evanston, in the county of Uinta. The penitentiary shall be located at the City of Rawlins, in the county of Carbon; but the legislature may provide by law that said penitentiary may be converted to other public uses. The legislature shall not locate any other public institutions except under general laws, and by vote of the people.

**ARTICLE VIII.****Irrigation and Water Rights.**

**Section 1.** The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the state, are hereby declared to be the property of the state.

**Sec. 2.** There shall be constituted a board of control, to be composed of the state engineer and superintendents of the water divisions; which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the state and of their appropriation, distribution and diversion, and of the various officers connected therewith. Its decisions to be subject to review by the courts of the state.

**Sec. 3.** Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

**Sec. 4.** The legislature shall by law divide the state into four (4) water divisions, and provide for the appointment of superintendents thereof.

**Sec. 5.** There shall be a state engineer who shall be appointed by the governor of the state and confirmed by the senate; he shall hold his office for the term of six (6) years, or until his successor shall have been appointed and shall have qualified. He shall be president of the board of control, and shall have general supervision of the waters of the state and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

## ARTICLE IX.

### Mines and Mining.

**Section 1.** There shall be established and maintained the office of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the governor shall, with the advice and consent of the senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years.

**Sec. 2.** The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this state.

**Sec. 3.** No boy under the age of fourteen years and no woman or girl of any age shall be employed or permitted to be in or about any coal, iron or other dangerous mines for the purpose of employment therein; provided, however, this provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

**Sec. 4.** For any injury to person or property caused by wilful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this state, whenever the death of a person shall be caused by wrongful act, neglect or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

**Sec. 5.** The legislature may provide that the science of mining and metallurgy be taught in one of the institutions of learning under the patronage of the state.

**Sec. 6.** There shall be a state geologist, who shall be appointed by the governor of the state, with the advice and consent of the senate. He shall hold his office for a term of six (6) years or until his successor shall have been appointed and shall have qualified. His duties and compensation shall be prescribed by law. No person shall be appointed to this position unless he has such theoretical knowledge and such practical experience and skill as shall fit him for the position; said state geologist shall ex-officio perform the duties of inspector of mines until otherwise provided by law.

## **ARTICLE X.**

### **Corporations.**

**Section 1.** The legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended or repealed by the legislature at any time when necessary for the public good and general welfare, and all corporations doing business in this state may as to such business be regulated, limited or restrained by law not in conflict with the constitution of the United States.

**Sec. 2.** All powers and franchises of corporations are derived from the people and are granted by their agent, the government, for the public good and general welfare, and the right and duty of the state to control and regulate them for these purposes is hereby declared. The power, rights and privileges of any and all corporations may be forfeited by willful neglect or abuse thereof. The police power of the state is supreme over all corporations as well as individuals.

**Sec. 3.** All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which formed and which shall not have been maintained in good faith to the time of the adoption of this constitution shall thereafter have no validity.

**Sec. 4.** No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employe waiving any right to recover damages for causing the death or in jury of any employe shall be void.

**Sec. 5.** No corporation organized under the laws of Wyoming Territory or any other jurisdiction than this state, shall be permitted to transact business in this state until it shall have accepted the constitution of this state and filed such acceptance in accordance with the laws thereof.

**Sec. 6.** No corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of incorporation.

**Sec. 7.** All corporations engaged in the transportation of persons, property, mineral oils, and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines and telephones, are declared to be common carriers.

**Sec. 8.** There shall be no consolidation or combination of corporations of any kinds whatever to prevent competition, to control or influence productions or prices thereof, or in any manner, to interfere with the public good and general welfare.

**Sec. 9.** The right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

**Sec. 10.** The legislature shall provide by suitable legislation for the organization of mutual and co-operative associations or corporations.

#### **Railroads.**

**Section 1.** Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this state and to connect at the state line with railroads of other states. Every railroad shall have the right with its road to intersect, connect with or cross any other railroad, and all railroads shall receive and transport each other's passengers, and tonnage and cars, loaded or empty, without delay or discrimination.

**Sec. 2.** Railroad and telegraph lines heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways and common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, excepting employes and their families and ministers of the gospel, whether individuals or corporations.

**Sec. 3.** Every railroad corporation or association operating a line of railroad within this state shall annually make a report to the auditor of state of its business within this state, in such form as the legislature may prescribe.

**Sec. 4.** Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of property and franchises of incorporated companies and subjecting them to public use the same as property of individuals.

**Sec. 5.** Neither the state, nor any county, township, school district or municipality shall loan or give its credit or make donations to or in aid of any railroad or telegraph line; provided, that this section shall not apply to obligations of any county, city, township or school district, contracted prior to the adoption of this constitution.

**Sec. 6.** No railroad or other transportation company or telegraph company in existence upon the adoption of this constitution shall derive the benefit of any future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this constitution.

**Sec. 7.** Any association, corporation or lessee of the franchises thereof organized for the purpose shall have the right to construct and maintain lines of telegraph within this state, and to connect the same with other lines.

**Sec. 8.** No foreign railroad or telegraph line shall do any business within this state without having an agent or agents within each county through which such railroad or telegraph line shall be constructed upon whom process may be served.

**Sec. 9.** No railroad company shall construct or operate a railroad within four (4) miles of any existing town or city without



providing a suitable depot or stopping place at the nearest practicable point for the convenience of said town or city, and stopping all trains doing local business at said stopping place. No railroad company shall deviate from the most direct practicable line in constructing a railroad for the purpose of avoiding the provisions of this section.

## **ARTICLE XI.**

### **Boundaries.**

**Section 1.** The boundaries of the state of Wyoming shall be as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to place of beginning.

## **ARTICLE XII.**

### **County Organization.**

**Section 1.** The several counties in the territory of Wyoming as they shall exist at the time of the admission of said territory as a state, are hereby declared to be the counties of the state of Wyoming.

**Sec. 2.** The legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least three million of dollars of assessable valuation; and no new county shall be organized nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

**Sec. 3.** The legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

**Sec. 4.** The legislature shall provide by general law for a system of township organization and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

**Sec. 5.** The legislature shall provide by law for the election of such county officers as may be necessary.



**ARTICLE XIII.****Municipal Corporations.**

**Section 1.** The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four (4), and the powers of each class shall be defined by general laws, so that no such corporation shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters or the general laws of the territory may abandon such charter and re-organize under the general laws of the state.

**Sec. 2.** No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

**Sec. 3.** The legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law.

**Sec. 4.** No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

**Sec. 5.** Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

**ARTICLE XIV.****Salaries.**

**Section 1.** All state, city, county, town and school officers, (excepting justices of the peace and constables in precincts having less than fifteen hundred population, and excepting court commissioners, boards of arbitration and notaries public) shall be paid fixed and definite salaries. The legislature shall, from time to time, fix the amount of such salaries as are not already fixed by this constitution, which shall in all cases be in proportion to the value of the services rendered and the duty performed.

**Sec. 2.** The legislature shall provide by law the fees which may be demanded by justices of the peace and constables in precincts having less than fifteen hundred population, and of court commissioners, boards of arbitration and notaries public, which fees the said officers shall accept as their full compensation. But all other state, county, city, town and school officers shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury when collected, and

the officer whose duty it is to collect such fees shall be held responsible, under his bond, for neglect to collect the same; provided, that in addition to the salary of sheriff they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law.

**Sec. 3.** The salaries of county officers shall be fixed by law within the following limits, to-wit: In counties having an assessed valuation not exceeding two millions (2,000,000) of dollars, the sheriff shall be paid not more than fifteen hundred dollars per year. The county clerk shall not be paid more than twelve hundred (\$1,200) dollars per year. The county and prosecuting attorney shall not be paid more than twelve hundred (\$1,200) dollars per year. The county treasurer shall not be paid more than one thousand (\$1,000) dollars per year. The county assessor shall not be paid more than one thousand (\$1,000) dollars per year. The county superintendent of schools shall not be paid more than five hundred (\$500) dollars per year.

In counties having an assessed valuation of more than two millions (\$2,000,000) of dollars and not exceeding five millions (\$5,000,000) of dollars, the sheriff shall not be paid more than two thousand (\$2,000) dollars per year. The county clerk shall not be paid more than eighteen hundred (\$1,800) dollars per year. The county treasurer shall not be paid more than eighteen hundred (\$1,800) dollars per year. The county assessor shall not be paid more than twelve hundred (\$1,200) dollars per year. The county and prosecuting attorney shall not be paid more than fifteen hundred (\$1,500) dollars per year. The county superintendent of schools shall not be paid more than seven hundred and fifty (\$750) dollars per year.

In counties having more than five millions (\$5,000,000) dollars assessed valuation, the sheriff shall not be paid more than two thousand (\$2,000) dollars per year. The county clerk shall not be paid more than two thousand (\$2,000) dollars per year. The county treasurer shall not be paid more than two thousand (\$2,000) dollars per year. The county assessor shall not be paid more than fifteen hundred (\$1,500) dollars per year. The county and prosecuting attorney shall not be paid more than twenty-five hundred (\$2,500) dollars per year. The county superintendent of schools shall not be paid more than one thousand (\$1,000) dollars per year. The county surveyor in each county shall receive not to exceed eight (\$8.00) dollars per day, for each day actually engaged in the performance of the duties of his office.

**Sec. 4.** The legislature shall provide by general law for such deputies as the public necessities may require, and shall fix their compensation.

**Sec. 5.** Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by section 3 of this article, regardless of the title by which their offices may hereafter be designated.

**Sec. 6.** Whenever practicable the legislature may, and whenever the same can be done without detriment to the public service, shall consolidate offices in state, county and municipalities respectively, and whenever so consolidated, the duties of such additional office shall be performed under an ex-officio title.

**ARTICLE XV.****Taxation and Revenue.**

**Section 1.** All lands and improvements thereon shall be listed for assessment, valued for taxation and assessed separately.

**Sec. 2.** All coal lands in the state from which coal is not being mined shall be listed for assessment, valued for taxation and assessed according to value.

**Sec. 3.** All mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil or other valuable deposits, is or may be produced shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof, as may be prescribed by law; provided, that the product of all mines shall be taxed in proportion to the value thereof.

**Sec. 4.** For state revenue, there shall be levied annually a tax not to exceed four mills on the dollar of the assessed valuation of the property in the state except for the support of state educational and charitable institutions, the payment of the state debt and the interest thereon.

**Sec. 5.** For county revenue there shall be levied annually a tax not to exceed twelve mills on the dollar for all purposes including general school tax, exclusive of state revenue, except for the payment of its public debt and the interest thereon. An additional tax of two dollars for each person between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school purposes.

**Sec. 6.** No incorporated city or town shall levy a tax to exceed eight mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

**Sec. 7.** All money belonging to the state, or to any county, city, town, village, or other sub-division therein, except as herein otherwise provided, shall whenever practicable, be deposited in a national bank or banks, or in a bank or banks incorporated under the laws of this state; provided that the bank or banks in which such money is deposited shall furnish security to be approved as provided by law; and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

**Sec. 8.** The making of profit, directly or indirectly, out of state, county, city, town or school district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

**Sec. 9.** There shall be a state board, composed of the state auditor, treasurer and secretary of state.

**Sec. 10.** The duties of the state board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least ten (10) days before the day fixed for beginning assessments; to assess at their actual value the franchises, roadway, road-bed, rails and rolling stock and all other property, used in the operation of all railroads and other common carriers, except machine

shops, rolling mills and hotels in this state; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property; provided, that the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the state revenue and such other duties as may be prescribed by law.

**Sec. 11.** All property, except as in this constitution otherwise provided, shall be uniformly assessed for taxation, and the legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

**Sec. 12.** The property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for religious worship, church parsonages, public cemeteries, shall be exempt from taxation, and such other property as the legislature may by general law provide.

**Sec. 13.** No tax shall be levied, except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

**Sec. 14.** The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any county or other municipal corporation shall be a party.

## ARTICLE XVI.

### Public Indebtedness.

**Section 1.** The state of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the state, as shown by the last general assessment for taxation, preceding; except to suppress insurrection or to provide for the public defense.

**Sec. 2.** No debt in excess of the taxes for the current year, shall in any manner be created in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

**Sec. 3.** No county in the state of Wyoming shall in any manner create any indebtedness, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment, preceding; provided, however, that any county, city, town, village or other sub-division thereof in the state of Wyoming, may bond its public debt existing at the time of the adoption of this constitution, in any sum not exceeding four per centum on the assessed value of the taxable property in such county, city, town, village or other sub-division, as shown by the last general assessment for taxation.

**Sec. 4.** No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any sub-division thereof in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.



**Sec. 5.** No city, town or village, or any sub-division thereof, or any sub-division of any county of the state of Wyoming, shall, in any manner, create any indebtedness exceeding two per centum on the assessed value of the taxable property therein; provided, however, that any city, town or village may be authorized to create an additional indebtedness, not exceeding four per centum on the assessed value of the taxable property therein as shown by the last preceding general assessment, for the purpose of building sewerage therein. Debts contracted for supplying water to such city or town are excepted from the operation of this section.

**Sec. 6.** Neither the state nor any county, city, township, town, school district, or any other political sub-division, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation. The state shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

**Sec. 7.** No money shall be paid out of the state treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state, or any county or political sub-division, shall be audited, allowed or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

**Sec. 8.** No bond or evidence of indebtedness of the state shall be valid unless the same shall have endorsed thereon a certificate signed by the auditor and secretary of state that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political sub-division, shall be valid unless the same shall have endorsed thereon a certificate signed by the county auditor or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit.

## ARTICLE XVII.

### State Militia.

**Section 1.** The militia of the state shall consist of all able-bodied male citizens of the state, between the ages of eighteen and forty-five years; except such as are exempted by the law of the United States or the state. But all such citizens having scruples of conscience reverse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

**Sec. 2.** The legislature shall provide by law for the enrollment, equipment and discipline of the militia to conform as nearly as practicable to the regulations for the government of the armies of the United States.

**Sec. 3.** All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the legislature may provide.



**Sec. 4.** No military organization under the laws of the state shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

**Sec. 5.** The governor shall be commander-in-chief of all the military forces of the state, and shall have power to call out the militia to preserve the public peace, to execute the laws of the state, to suppress insurrection or repel invasion.

## ARTICLE XVIII.

### Public Lands and Donations.

**Section 1.** The state of Wyoming hereby agrees to accept the grants of lands heretofore made, or that may be hereafter made by the United States to the state, for educational purposes, for public buildings and institutions and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of congress, making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than \$10 per acre; provided, that in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres at a sum not less than the appraised value thereof, and in making such appraisment the value of improvements shall not be taken into consideration. If, at any time hereafter, the United States shall grant any arid lands in the state to the state, on the condition that the state reclaim and dispose of them to actual settlers, the legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

**Sec. 2.** The proceeds from the sale and rental of all lands and other property donated, granted or received, or that may hereafter be donated, granted or received, from the United States or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gifts.

**Sec. 3.** The governor, superintendent of public instruction and secretary of state, shall constitute a board of land commissioners who, under such regulations as may be provided by law, shall have the direction, control, disposition and care of all lands that have been heretofore or may hereafter be granted to the state.

**Sec. 4.** The legislature shall enact the necessary laws for the sale, disposal, leasing or care of all lands that have been or may hereafter be granted to the state, and shall, at the earliest practicable period, provide by law for the location and selection of all lands that have been or may hereafter be granted by congress to the state, and shall pass laws for the suitable keeping, transfer and disbursement of the land grant funds, and shall require of all officers charged with the same or the safe keeping thereof to give ample bonds for all moneys and funds received by them.

**Sec. 5.** Except a preference right to buy as in this constitution otherwise provided, no law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any of the schools lands granted to the state subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished directly or indirectly.

**Sec. 6.** If any portion of the interest or income of the perpetual school fund be not expended during any year, said portion shall be added to and become a part of the said school fund.

## **ARTICLE XIX.**

### **Miscellaneous.**

#### **Live Stock.**

**Section 1.** The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleuro-pneumonia, glanders, splenetic or Texas fever, and other infectious or contagious diseases. The legislature shall also establish a system of quarantine, or inspection, and such other regulations as may be necessary for the protection of stock owners, and most conducive to the stock interests within the state.

#### **Concerning Labor.**

**Section 1.** Eight (8) hours actual work shall constitute a lawful day's work in all mines, and on all state and municipal works.

#### **Labor on Public Works.**

**Section 1.** No person not a citizen of the United States or who has not declared his intentions to become such, shall be employed upon or in connection with any state, county or municipal works or employment.

**Sec. 2.** The legislature shall, by appropriate legislation, see that the provisions of the foregoing section are enforced.

#### **Boards of Arbitration.**

**Section 1.** The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

#### **Police Powers.**

**Section 1.** No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this state, for the suppression of domestic violence, except upon the application of the legislature, or executive, when the legislature cannot be convened.

#### **Labor Contracts.**

**Section 1.** It shall be unlawful for any person, company or corporation, to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility, on account of personal

injuries received by such servants or employees, while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

#### **Arbitration.**

**Section 1.** The Legislature may provide by law for the voluntary submission of differences to arbitrators for determination, and said arbitrators shall have such powers and duties as may be prescribed by law, but they shall have no power to render judgment to be obligatory on parties, unless they voluntarily submit their matters of difference and agree to abide by the judgment of such arbitrators.

#### **Homesteads.**

**Section 1.** A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon.

### **ARTICLE XX.**

#### **Amendments.**

**Section 1.** Any amendment or amendments to this constitution may be proposed in either branch of the Legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the Legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

**Sec. 2.** If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

**Sec. 3.** Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the Legislature shall at the next session provided by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the Legislature.

**Sec. 4.** Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

**ARTICLE XXI.****Schedule.**

**Section 1.** That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities and obligations against the Territory of Wyoming, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Wyoming shall be as valid as if issued in the name of the State.

**Sec. 2.** All property, real and personal, and all moneys, credits, claims and choses in action, belonging to the Territory of Wyoming, at the time of the adoption of this Constitution, shall be vested in and become the property of the State of Wyoming.

**Sec. 3.** All laws now in force in the Territory of Wyoming, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

**Sec. 4.** All fines, penalties, forfeitures and escheats, accruing to the Territory of Wyoming, shall accrue to the use of the State.

**Sec. 5.** All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution shall remain valid, and shall pass over to and may be prosecuted in the name of the State, and all bonds, obligations or other undertakings executed to this Territory, or to any officer in his official capacity, shall pass over to the proper State authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

**Sec. 6.** All officers, civil and military, holding their offices and appointments in this Territory, under the authority of the United States or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

**Sec. 7.** This Constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this Territory, at an election, to be held on the first Tuesday in November, A. D. 1889. Said election, as nearly as may be, shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made to the Secretary of said Territory, who with the Governor and Chief Justice thereof, or any two of them, shall canvass the same, and if a majority of the legal votes cast shall be for the Constitution the Governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and a copy of said Constitution, articles, propositions and ordinances. At



the said election the ballots shall be in the following form: "For the Constitution—Yes. No." And as a heading to each of said ballots, shall be printed on each ballot the following instructions to voters: "All persons who desire to vote for the Constitution may erase the word 'No.' All persons who desire to vote against the Constitution may erase the word 'Yes'." Any person may have printed or written on his ballot only the words: "For the Constitution," or "Against the Constitution," and such ballots shall be counted for or against the Constitution accordingly.

**Sec. 8.** This Constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

**Sec. 9.** Immediately upon the admission of the Territory as a State, the Governor of the Territory, or in case of his absence or failure to act, the Secretary of the Territory, or in case of his absence or failure to act, the president of this convention, shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the Board of County Commissioners of each county, calling an election by the people for all State, district and other officers, created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation nor more than ninety days after the admission of the Territory as a State.

**Sec. 10.** The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for delegate to Congress, and county and other officers. Every qualified elector of the Territory at the date of said election shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general election, and the returns thereof shall be made to the canvassing board hereinafter provided for.

**Sec. 11.** The Governor, Secretary of the Territory and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for member of Congress, all State and district officers and members of the Legislature. The said board shall assemble at the seat of government of the Territory on the thirtieth day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all State and district officers and members of the Legislature, in the manner provided by the laws of the Territory for canvassing the vote for delegate to Congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the Secretary of the Territory an abstract certified by them of the number of votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

**Sec. 12.** All officers elected at such election, except members of the Legislature shall, within thirty days after they have been declared elected, take the oath required by this Constitution, and give the same bond required by the law of the Territory or district, and



shall thereupon enter upon the duties of their respective offices; but the Legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

**Sec. 13.** The Governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the Legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the Legislature, both houses of the Legislature, in joint session, shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Wyoming. At said election the two persons who shall receive the majority of all the votes cast by said Senators and Representatives shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House shall issue a certificate to each of said Senators certifying his election, which certificates shall also be signed by the Governor and attested by the Secretary of State.

**Sec. 14.** The Legislature shall pass all necessary laws to carry into effect the provisions of this Constitution.

**Sec. 15.** Whenever any two of the judges of the Supreme Court of the State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the Supreme Court of the Territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State; and until so superseded the Supreme Court of the Territory and the judges thereof shall continue with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the District Court of any district, elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the District Court or the Territory, within any county in such district, and the records, papers and proceedings of said District Court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the District Court of the State for such county; and until the District Courts of this Territory shall be superseded in the manner aforesaid, the said District Courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

**Sec. 16.** Until otherwise provided by law the seals now in use in the Supreme and District Courts of this Territory are hereby declared to be the seals of the Supreme and District Courts, respectively, of the State.

**Sec. 17.** Whenever this Constitution shall go into effect, records and papers and proceedings of the Probate Court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the District Court of the same county, and the said District Court

shall proceed to final decree or judgment order or other determination in the said several matters and causes, as the said Probate Court might have done if this Constitution had not been adopted.

**Sec. 18.** Senators and members of the House of Representatives shall be chosen by the qualified electors of the several Senatorial and Representative districts as established in this Constitution, until such districts shall be changed by law, and thereafter by the qualified electors of the several districts as the same shall be established by law.

**Sec. 19.** All county and precinct officers who may be in office at the time of the adoption of this Constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified, as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted.

**Sec. 20.** Members of the Legislature and all State officers, District and Supreme Judges elected at the first election held under this Constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

**Sec. 21.** If the first session of the Legislature under this Constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

**Sec. 22.** The first regular election that would otherwise occur following the first session of the Legislature, shall be omitted, and all county and precinct officers elected at the first election held under this Constitution shall hold their office for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

**Sec. 23.** This Convention does hereby declare on behalf of the people of the Territory of Wyoming, that this Constitution has been prepared and submitted to the people of the Territory of Wyoming for their adoption or rejection, with no purpose of setting up or organizing a State government until such time as the Congress of the United States shall enact a law for the admission of the Territory of Wyoming as a State under its provision.

#### **Ordinances.**

The following article shall be irrevocable without the consent of the United States and the people of this State:

**Section 1.** The State of Wyoming is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

**Sec. 2.** Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

**Sec. 3.** The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying

within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by this State on lands or property therein, belonging to, or which may hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this State from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of Congress granting the same.

**Sec. 4.** All debts and liabilities of the Territory of Wyoming shall be assumed and paid by this State.

**Sec. 5.** The Legislature shall make laws for the establishment and maintenance of systems of public schools which shall be open to all the children of the State and free from sectarian control.

Done in open convention, at the City of Cheyenne, in the Territory of Wyoming, this 30th day of September in the year of our Lord one thousand eight hundred and eighty-nine.

Attested:

JOHN K. JEFFREY, Secretary.

MELVILLE C. BROWN,

President.

GEO. W. BAXTER,  
A. C. CAMPBELL,  
J. A. CASEBEER,  
C. D. CLARK,  
HENRY A. COFFEEN,  
ASBURY B. CONAWAY,  
HENRY S. ELLIOTT,  
MORTIMER N. GRANT,  
HENRY G. HAY,  
FREDERICK H. HARVEY,  
MARK HOPKINS,  
JOHN W. HOYT,  
WM. C. IRVINE,  
JAMES A. JOHNSTON,  
JESSE KNIGHT,  
ELLIOTT S. N. MORGAN,  
EDWARD J. MORRIS,  
JOHN M. McCANDLISH,  
HERMAN F. MENOUGH,  
CALEB P. ORGAN,  
LOUIS J. PALMER,  
C. W. HOLDEN,

H. G. NICKERSON,  
A. L. SUTHERLAND,  
W. E. CHAPLIN,  
JONATHAN JONES,  
JOHN L. RUSSELL,  
GEO. W. FOX,  
FRANK M. FOOTE,  
CHAS. H. BURRITT,  
CHAS. N. POTTER,  
D. A. PRESTON,  
JOHN A. RINER,  
GEO. C. SMITH,  
H. E. TESCHEMACHER,  
C. L. VAGNER,  
THOS. R. REID,  
ROBT. C. BUTLER,  
C. W. BURDICK,  
DE FOREST RICHARDS,  
MEYER FRANK,  
M. C. BARROW,  
RICHARD H. SCOTT.

## STATE BUILDINGS.

(a) The unfortunates under this class have been so few in the State that the building has not been occupied for this purpose, it being more economical to care for them at the institutions in other States. The pupils of this class are in institutions in Colorado Springs, Colo., Ogden, Utah, and Nebraska City, Neb. (Our male juvenile delinquents are kept at Colorado Industrial School, Golden, and our female juvenile delinquents at the Good Shepherd's Industrial School, Denver, Colo.) From 1895 to 1903 this building was used as the Soldiers and Sailors' Home. The soldiers were transferred to Buffalo, 1903.

(b) When the Territory was organized there was no provision made for a penitentiary, and our convicted prisoners were sent to the House of Correction, Detroit, Mich. In 1872 the



penitentiary was built by the government at Laramie and used as a territorial penitentiary, and also for convicts from the United States Court. Under the terms of the Wyoming admission bill the penitentiary became the property of the State and was used for the prisoners until 1902, when they were transferred to Rawlins. The Laramie building is now used for the University Experiment Station Farm.

(c) The location was not determined until the general election of 1892, and the building was occupied 1894.

(d) No buildings, only improvements.

(e) Constructed 1904.

The Federal Government building is located at Cheyenne. An Act of Congress of 1895 approved of an appropriation for the purchase of a site for this building and the ground on which it is now located was ceded by Wyoming to the jurisdiction of the United States. The State has no control over this small tract of land nor over acts or depredations committed upon it.

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## APPENDIX C

### GOVERNORS OF WYOMING.

#### FROM THE ORGANIZATION OF THE TERRITORY OF WYOMING TO ITS ADMISSION TO STATEHOOD.

##### DATE OF APPOINTMENT

John A. Campbell . . . .	April 7, 1869.
John M. Thayer . . . .	February 10, 1875.
John W. Hoyt . . . .	April 10, 1878.
William Hale . . . .	August 3, 1882.
Francis E. Warren . . .	February 27, 1885.
George W. Baxter . . .	November 6, 1886.
Thomas Moonlight . . .	December 20, 1886.
Francis E. Warren . . .	March 27, 1889.



## SINCE STATEHOOD.

Francis E. Warren . . .	October 11, 1890.
Amos W. Barber (a) . .	November 24, 1890.
John E. Osborne . . .	January 2, 1893.
William A. Richards . .	January 7, 1895.
De Forest Richards . .	January 2, 1899.
Fenimore Chatterton (b) .	April 28, 1903.
(a) Acting Governor upon resignation of Francis E. Warren.	
(b) Acting Governor upon the death of De Forest Richards.	

## APPENDIX D

## THE SUPREME COURT OF WYOMING.

## TERRITORIAL CHIEF JUSTICES.

## DATE OF APPOINTMENT

John W. Howe . . . .	April 6, 1869.
Joseph W. Fisher . . .	October 14, 1871.
James B. Sener . . .	December 18, 1879.
John W. Lacey . . . .	July 5, 1884.
William L. Maginnis . .	November 8, 1887.
Willis Van Devanter . .	October 1, 1889.

## STATE CHIEF JUSTICES.

## DATE OF OFFICE

Willis Van Devanter . .	October 11, 1890.*
Herman V. S. Groesbeck .	October 15, 1890.
Asbury B. Conaway . . .	January 4, 1897.
Charles N. Potter . . .	December 8, 1897.
Samuel T. Corn . . . .	January 5, 1903.

\* Judge Van Devanter was selected, with Judges Groesbeck and Conaway as Justices of the Supreme Court at the first State election, held September 11, 1890. They all took the oath of office October 11, 1890. These three Justices, elected at the first election by Constitutional provision, classified themselves by lot. Judge Conaway drew the eight-year term, Judge Groesbeck the six-year term and Judge Van Devanter a four-year term, and became the Chief Justice, as he had the shortest term to serve. He resigned October 15th and Judge Groesbeck became Chief Justice.

**APPENDIX E****DELEGATES TO CONGRESS FROM WYOMING  
TERRITORY.**

	TERM OF OFFICE
Stephen F. Nuckolls . . . . .	1869-71
William T. Jones . . . . .	1871-73
William R. Steele . . . . .	1873-77
William W. Corlett . . . . .	1877-79
Stephen W. Downey . . . . .	1879-81
Morton E. Post . . . . .	1881-85
Joseph M. Carey . . . . .	1885-90

**UNITED STATES SENATORS FROM WYOMING.**

Joseph M. Carey . . . . .	1891-95
Francis E. Warren . . . . .	1891-93
Francis E. Warren(a) . . . . .	1895-1901
Clarence D. Clark . . . . .	1895-99
Clarence D. Clark . . . . .	1899-1905
Francis E. Warren . . . . .	1901-07

**UNITED STATES REPRESENTATIVES FROM  
WYOMING.**

Clarence D. Clark . . . . .	1890-93
Henry A. Coffeen . . . . .	1893-95
Frank W. Mondell . . . . .	1895-97
John E. Osborne . . . . .	1897-99
Frank W. Mondell . . . . .	1899-1905

(a) The Legislature failed to elect a Senator in 1893, and for two years Wyoming had but one Senator.

## APPENDIX F

## STATE ELECTIVE OFFICERS.

		TERM EXPIRES
United States	{	Francis E. Warren, March 4, 1907.
Senators	{	Clarence D. Clark, March 4, 1905.
Representative in Congress,		Frank W. Mondell,
. . . . .		March 4, 1905.
Governor, Fenimore Chatterton		(a) January 2, 1905.
Secretary of State, Fenimore Chatterton,		January 3, 1907.
Treasurer, William C. Irvine . . .		January 2, 1905.
Auditor, Le Roy Grant . . . . .		January 3, 1907.
Supt. Public Instruction, Thomas T. Tynan,		January 3, 1907.
Chief Justice Supreme Court, Samuel T. Corn,		Jan. 2, 1905.
Associate	{	Jesse Knight . . . January 2, 1907.
Justices	{	Charles N. Potter . . . January 2, 1911.
		Richard Scott, 1st Dist.. . . . January 4, 1909.
District	{	Charles E. Carpenter, 2d Dist., Jan. 4, 1909.
Judges	{	David H. Craig, 3d Dist., January 2, 1905.
	{	Joseph L. Stotts, 4th, Dist., Jan 2, 1905.

(a) Acting Governor, the Secretary of State becomes Governor when a vacancy occurs in that office.

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